

P.E.R.C. NO. 98-14

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP,

Petitioner,

-and-

Docket No. SN-97-109

EDISON FIREFIGHTERS' ASSOCIATION,
LOCAL 1197, IAFF

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of provisions of an expired collective negotiations agreement between the Township of Edison and Edison Firefighters' Association, Local 1197, IAFF. The Commission finds mandatorily negotiable provisions on promotions, residency, contract reopener, and extended sick leave.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP,

Petitioner,

-and-

Docket No. SN-97-100

EDISON PAID FIRE OFFICERS'
ASSOCIATION, LOCAL 2883, IAFF,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of several provisions of an expired collective negotiations agreement between the Township of Edison and Edison Paid Fire Officers' Association, Local 2883, IAFF. The Commission finds mandatorily negotiable provisions concerning promotions, collective bargaining procedure, insurance and legal representation, reimbursement for legal expenses, and extended sick leave. The Commission finds a provision on wages and longevity to be an illegal parity clause and not mandatorily negotiable.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP,

Petitioner,

-and-

Docket No. SN-97-65

EDISON PBA LOCAL 75,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of provisions of an expired collective negotiations agreement between the Township of Edison and Edison PBA Local 75. The Commission finds mandatorily negotiable provisions concerning conducting association business, collective negotiating procedure, and portions of a provision on legal defense costs.

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P.E.R.C. NO. 98-17

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP,

Petitioner,

-and-

Docket No. SN-97-107

EDISON SUPERIOR OFFICERS' ASSOCIATION

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of provisions of an expired collective negotiations agreement between the Township of Edison and Edison Superior Officers' Association. The Commission finds mandatorily negotiable a portion of a provision concerning extended sick leave, a provision concerning collective negotiating procedure, and portions of a provision on legal defense costs. The Commission finds a portion of the provision on extended sick leave to be preempted by statute and not mandatorily negotiable.

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P.E.R.C. NO. 98-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SAYREVILLE,

Respondent,

-and-

Docket No. CI-H-95-21

LEO J. FARLEY,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Borough of Sayreville. The Complaint, based on an unfair practice charge filed by Leo J. Farley, alleged that the Borough violated the New Jersey Employer-Employee Relations Act when, upon the retirement of the Deputy Chief, it did not upgrade Farley's rank and pay to fill that vacancy. The Commission finds that the alleged unfair practice occurred more than six months before the filing of the charge and that there is no evidence that the charging party was prevented from filing a timely charge. The Commission further finds that the evidence does not support a finding that the Borough's decision to proceed by way of a competitive examination to fill the Deputy Chief position was motivated by hostility to Farley's protected activity.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOGOTA BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-57

BOGOTA EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Bogota Board of Education. The Board seeks a determination precluding the payment of increments to employees represented by the Bogota Education Association during the fourth year of a memorandum of agreement. The Association has sought to enforce the memorandum of agreement in Superior Court and that litigation is pending. Accordingly, the Commission declines to exercise jurisdiction in this matter.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-20

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GREENWICH TOWNSHIP,

Petitioner,

-and-

Docket No. SN-97-58

PBA LOCAL 122,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of Greenwich for a restraint of binding arbitration of a grievance filed by PBA Local 122. The grievance contends that the Township violated a past practice when it failed to promote a sergeant to the position of detective and instead promoted two less senior officers. The Commission finds that the grievance seeks to limit the selection criteria for promotion solely to seniority and seeks review of the Township's determination that one candidate was more qualified than another.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-21

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

IRVINGTON BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-96-124

IRVINGTON ADMINISTRATORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Irvington Board of Education. The Complaint, based on an unfair practice charge filed by the Irvington Administrators Association, alleges that the Board violated the New Jersey Employer-Employee Relations Act by replacing the week-long winter recess with a presidents' weekend and thereby unilaterally increasing the work year of administrators by three days. The Commission finds that the number of days worked by administrators during the 1995-96 school year was within the range of days worked by administrators over the past nine years and that even if the work year of administrators had been increased, no evidence shows that the Association requested, and the Board refused, to negotiate over compensation for an increased work year.

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P.E.R.C. NO. 98-22

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF KEARNY,

Respondent,

-and-

Docket No. CO-H-96-320

KEARNY SUPERIOR OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the Town of Kearny violated the New Jersey Employer-Employee Relations Act by unilaterally changing the parties' overtime practice of assigning off-duty officers to replace absent officers. The Commission orders the Town to cease and desist from changing the overtime practice of assigning off-duty officers, negotiate in good faith with the Kearny Superior Officers Association concerning terms and conditions of employment of employees in that unit, and restore the practice of replacing an absent superior officer with an officer of the same rank rather than filling the vacant position with a lower-ranked officer in an acting capacity.

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P.E.R.C. NO. 98-23

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUTGERS, THE STATE UNIVERSITY,
Petitioner,

-and-

Docket No. SN-96-03

RUTGERS COUNCIL OF AAUP CHAPTERS,
Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by Rutgers, the State University. Rutgers seeks a ruling that the issues raised in two grievances filed by Rutgers Council of AAUP Chapters are not mandatorily negotiable. The grievances protest: (1) Dr. Thomas Figueira's removal as director of the University's Summer Institute in Latin and Greek, and (2) the reallocation of a portion of the budget line for Figueira's salary from the Rutgers' Graduate School to the Department of Classics and Archaeology. The Commission finds that both grievances can legally be submitted to advisory arbitration and whether the parties have agreed to do so is an issue of contractual arbitrability outside its jurisdiction.

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P.E.R.C. NO. 98-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY,

Petitioner,

-and-

Docket No. SN-97-62

DISTRICT 1199J, NATIONAL UNION
OF HOSPITAL AND HEALTH CARE
EMPLOYEES, AFSCME, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of Somerset County for a restraint of binding arbitration of a grievance filed by District 1199J, National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO. The grievance asserts that the County violated the parties' contract when it hired nurses at a higher salary than incumbent nurses received. The Commission finds that salary is mandatorily negotiable and also that employers and majority representatives may legally agree that new employees will not be paid more than incumbent employees performing the same duties. The Commission rejects the County's position that placement of new hires within a negotiated minimum salary and a negotiated maximum salary is a managerial prerogative. This position raises a possible contractual defense rather than a negotiability question.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-25

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RUMSON-FAIR HAVEN REGIONAL HIGH
SCHOOL BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-98-5

RUMSON-FAIR HAVEN REGIONAL
SCHOOL EMPLOYEES ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Rumson-Fair Haven Regional High School Board of Education. The Board seeks a determination that portions of Article 7 (Employee Evaluation; Employee Rights) are not mandatorily negotiable and must be deleted from its collective negotiations agreement with the Rumson-Fair Haven Regional School Employees Association. The Commission finds that there is no basis for a scope of negotiations determination. There is no successor contract proposal or demand to arbitrate a grievance, nor are there any special circumstances warranting the Commission's scope of negotiations jurisdiction.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-26

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ATLANTIC CITY BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-104

ATLANTIC CITY ADMINISTRATORS'
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Atlantic City Board of Education for a restraint of binding arbitration of a grievance filed by the Atlantic City Administrators' Education Association. The grievance alleges that the Board terminated the supervisor of special services without just cause, in violation of the parties' agreement. The Commission restrains arbitration to the extent, if any, the Association challenges the Board's decision not to offer the employee re-employment. The Commission declines to restrain arbitration to the extent the Association alleges a violation of N.J.S.A. 18A:27-4.1 and 10 and contractual notice provisions. That the employee might have a remedy before the Commissioner of Education does not preclude the Association from raising claims of contractual violations before an arbitrator.

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P.E.R.C. NO. 98-27

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF ALLENDALE,

Appellant,

-and-

Docket No. IA-95-71

PBA LOCAL NO. 217,

Respondent.

SYNOPSIS

The Public Employment Relations Commission vacates an interest arbitration award issued to resolve negotiations between the Borough of Allendale and PBA Local No. 217. The Commission remands the matter to the arbitrator for reconsideration. The Borough appealed the interest arbitration award, maintaining that the arbitrator should not have excluded its vacation, eye examination, red dot days, and vacation proposals under N.J.A.C. 19:16-5.5(b). The Borough also asserts that the arbitrator's ruling on the PBA's objection to consideration of these proposals was untimely. The Borough also requests modification of the award consistent with the criteria in N.J.S.A. 34:13A-16g.

The Commission affirms the arbitrator's ruling limiting the arbitration proceeding to the issues raised in the PBA's petition. However, the Commission finds that the Borough was disadvantaged by the arbitrator's not ruling on the PBA's objection to the submission of these issues until after he issued his final award. The Borough's salary proposal included these issues being considered by the arbitrator and the Borough might have submitted a different proposal to the arbitrator had it known these proposals would be excluded. Accordingly, the Commission remands the matter to the arbitrator and allows the Borough to submit a new final offer. In light of the remand, the Commission does not decide the

remaining issues in this appeal.

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P.E.R.C. NO. 98-28

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Public Employer,

-and-

Docket No. RO-H-93-47

NEW JERSEY TURNPIKE SUPERVISORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission decides whether several titles should be included in a unit of primary level supervisors represented by the New Jersey Turnpike Supervisors Association. The New Jersey Turnpike Authority has opposed the Association's petition claiming that some of the titles are inappropriate for inclusion in the unit because the employees are confidential or non-supervisory within the meaning of the New Jersey Employer-Employee Relations Act. The Commission finds 20 of the disputed titles to be either non-supervisory or confidential and that they shall not be included in the unit of primary level supervisors. The Commission finds 14 of the disputed titles eligible for inclusion in the unit and orders that an election be conducted among this group of employees to determine if they wish to be represented by the Association.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-29

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OPERATED SCHOOL DISTRICT
DISTRICT OF THE CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-97-3

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines the negotiability of provisions of an expired collective negotiations agreement between the State Operated School District of the City of Paterson and the Paterson Education Association which the employer contends are not mandatorily negotiable. The Commission finds an article on non-instructional duties to be not mandatorily negotiable to the extent it restricts the Board's right to assign staff to perform lunchroom supervision duties and related clerical duties as well as the completion of attendance registers. The Commission finds the article to be mandatorily negotiable to the extent it relates to the assignment of clerical duties that are not incidental to the teachers' normal assignments.

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P.E.R.C. NO. 98-30

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY STATE JUDICIARY
and OPEIU LOCAL 32 and CERTIFIED
SHORTHAND REPORTERS ASSOCIATION,

Respondents,

-and-

Docket Nos. CI-98-12
and CI-98-13

JOANNE N. YUHASZ,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the request for reconsideration of a decision of a Commission designee striking a paragraph that would have granted temporary restraints from a proposed order setting a return date on an order to show cause. The charging party asserts that the designee improperly refused to grant proposed temporary restraints. The Commission finds that the charging party has not shown that there are any extraordinary circumstances warranting full Commission reconsideration of this action.

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