

P.E.R.C. NO. 98-78

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 denies a motion of the Edison Paid Fire Officers' Association, Local 2883, IAFF for reconsideration of the Commission's decision in P.E.R.C. No. 98-15. In that case, the Commission held, in part, that a parity clause in the contract between the Association and Edison Township was not mandatorily negotiable and could not be included in a successor agreement between the parties. The Commission does not find any extraordinary circumstances warranting reconsideration of its decision.

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. 98-79

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOMERSET COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-97-121

PBA LOCAL 177, SOMERSET COUNTY  
CORRECTIONS OFFICERS,

Respondent.

The Public Employment Relations Commission dismisses a scope of negotiations petition filed by the Somerset County Sheriff. The petition seeks to restrain binding arbitration of grievances filed by PBA Local 177, Somerset County Corrections Officers. The grievances allege that the employer violated the parties' collective negotiations agreement when it disciplined employees for not answering telephone calls to their residences while on sick leave. The Commission finds that since the PBA does not seek to arbitrate the issue of concern to the employer -- the right of an employer to require employees out sick to answer their telephones and the employer does not seek to restrain arbitration over the issue of concern to the PBA -- the application of the employers' sick leave verification policy, there is no scope of negotiations dispute.

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P.E.R.C. NO. 98-80

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTH CALDWELL BOARD OF  
EDUCATION,

Petitioner,

-and-

Docket No. SN-97-44

NORTH CALDWELL EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the North Caldwell Board of Education for a restraint of binding arbitration of a grievance filed by the North Caldwell Education Association. The grievance asserts that the Board withheld a teacher's 1996-1997 salary increment without just cause. The Commission finds that this case centers on the appropriateness of a teacher's interactions with her students during class and is therefore based on the evaluation of teaching performance. The withholding must be reviewed by the Commissioner of Education.

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P.E.R.C. NO. 98-81

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UPPER SADDLE RIVER BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-28

UPPER SADDLE RIVER EDUCATION  
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Upper Saddle River Board of Education for a restraint of binding arbitration of a grievance filed by a teacher represented by the Upper Saddle River Education Association. The grievance contests the withholding of the teacher's salary increments for the 1995-1996 school year. The Commission finds that this case involves a determination of whether the teacher's classroom management technique fell within the parameters of N.J.S.A. 18A:6-1 and was therefore not corporal punishment. That judgment involves the appropriateness of a student-teacher interaction in class and thus centers on an evaluation of teaching performance. Review of such judgments must be made by the Commissioner of Education.

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P.E.R.C. NO. 98-82

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Petitioner,

-and-

Docket No. SN-97-94

FRATERNAL ORDER OF POLICE,  
NEWARK LODGE NO. 12 and NEWARK  
SUPERIOR OFFICERS ASSOCIATION,

Respondents.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for a restraint of binding arbitration of grievances filed by the Fraternal Order of Police, Newark Lodge No. 12 and the Newark Superior Officers Association. The grievances assert that the City violated its collective negotiations agreements with the FOP and the SOA when it did not provide legal representation to seven police officers represented by the FOP and one police lieutenant represented by the SOA. The Commission finds that the only issue in this matter appears to be legal representation which is mandatorily negotiable and not preempted. The City may make its public policy argument to the arbitrator.

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P.E.R.C. NO. 98-84

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BLOOMFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-126

BLOOMFIELD PUBLIC SCHOOLS  
SERVICE ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Bloomfield Board of Education for a restraint of binding arbitration of a grievance filed by the Bloomfield Public Schools Service Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it changed the shift schedules of custodians at various schools. A Board has a prerogative to determine the days and hours custodial services are needed and the number of custodians on duty at any given time. The Commission finds, however, that this case does not involve an educational policy determination and instead centers on a desire to reduce labor costs by changing the custodial workday to encompass early morning and evening hours.

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P.E.R.C. NO. 98-85

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WAYNE,

Petitioner,

-and-

Docket No. SN-97-108

AFSCME COUNCIL 52, LOCAL 2274,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of several predecessor contract provisions that AFSCME Council 52, Local 2274 seeks to retain in a successor contract with the Township of Wayne. The Commission finds not mandatorily negotiable provisions relating to verification of sick leave; portions of a provision relating to filling positions, to the extent it could be read to require the Township to keep on posting a position it has decided not to fill; a provision relating to which employees will receive a promotion; and portions of a provision relating to employee training.

The Commission finds mandatorily negotiable a provision relating to providing the Union with an updated seniority roster; a portion of a provision relating to promotions except to the extent it permits disputes over promotional denials to be submitted to binding arbitration; and a portion of a provision relating to reimbursement for training.

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P.E.R.C. NO. 98-86

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF BURLINGTON,

Petitioner,

-and-

Docket No. SN-97-111

BURLINGTON COUNTY CORRECTIONAL  
OFFICERS, PBA LOCAL 249,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Burlington for a restraint of binding arbitration of a grievance filed by an employee represented by Burlington County Correctional Officers, PBA Local 249. The grievance asserts that the County violated the parties' collective negotiations agreement when it did not restore sick days taken because of the employee's work-related disability. The County argues that workers' compensation laws preempt arbitration over the application of the contractual provisions in question. The Commission finds that this grievance does not seek tort-based damages and is limited to a claim for a paid disability leave and restored sick leave days and is therefore mandatorily negotiable and legally arbitrable.

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P.E.R.C. NO. 98-87

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROCHELLE PARK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-94-404

ROCHELLE PARK EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the Rochelle Park Board of Education. The Complaint, based on an unfair practice charge filed by the Rochelle Park Education Association, alleges that the Board violated the New Jersey Employer-Employee Relations Act by withholding the increment of a teacher for the 1994-95 school year allegedly in retaliation for the teacher's Association activities. The Commission finds that under all the circumstances of this case, the Association did not prove by a preponderance of the evidence that the Board violated the Act when it withheld the teacher's increment.

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P.E.R.C. NO. 98-88

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY PROSECUTOR,

Appellant-Respondent,

-and-

Docket No. IA-96-178

PBA LOCAL 232,

Appellant-Respondent.

SYNOPSIS

The Public Employment Relations Commission affirms the award of an interest arbitrator appointed to resolve unsettled negotiations issues between the Hudson County Prosecutor and PBA Local 232. The PBA requests that the award be vacated and the matter be remanded to a different arbitrator. The PBA contends that the arbitrator's analysis was flawed and that he deviated from accepted principles of conventional arbitration by awarding salary increases outside the boundaries of the parties' last offers. The Prosecutor asks that the Commission remand the award to the arbitrator because the Prosecutor believes the actual costs of the arbitrator's award for 1998 exceed the 5% to 5.5% cost calculated by the arbitrator. The Commission rejects the PBA's and the Prosecutor's challenges and concludes that the arbitrator analyzed the evidence presented on the relevant statutory factors and reached conclusions that are supported by substantial credible evidence in the record. The Commission finds that the arbitrator gave due weight to each of the statutory factors and decided the dispute based on a reasonable determination of the issues.

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P.E.R.C. NO. 98-89

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MILLTOWN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-97-118

MILLTOWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants, in part, the request of the Milltown Board of Education for a restraint of binding arbitration of a grievance filed by the Milltown Education Association. The grievance asserts that the Board violated the parties' collective negotiations agreement when it assigned central detention duty to teachers without compensation. The request is granted to the extent, if any, the grievance asserts that the Board cannot assign teaching staff members to supervise central detention, but denied to the extent the grievance seeks compensation for such assignments.

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P.E.R.C. NO. 98-90

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF SOUTH BRUNSWICK,

Petitioner,

-and-

Docket No. SN-98-03

PBA LOCAL 166,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Township of South Brunswick for a restraint of binding arbitration of a grievance filed by a patrol officer represented by PBA Local 166. The grievance asserts that the Township violated the parties' collective negotiations agreement when it did not appoint that officer, who was also the president of Local 166, to the position of range officer. The Commission finds that an arbitrator cannot second-guess the Township's determination that other officers were more qualified for the position of range officer.

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P.E.R.C. NO. 98-83

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS,

Petitioner,

-and-

Docket No. SN-98-08

MORRIS COUNCIL NO. 6,  
NJCSA, IFPTE, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the County of Morris for a restraint of binding arbitration of a grievance filed by an employee represented by Morris Council No. 6, NJCSA, IFPTE, AFL-CIO. The grievant seeks compensation for work performed in the provisional job title of Tree Surgeon. The County asserts that this dispute is not legally arbitrable because the New Jersey Department of Personnel has jurisdiction to determine whether the grievant was properly classified as a Tree Surgeon. The Commission finds that the question of whether the employer is contractually obligated to pay the higher compensation to the grievant, given a classification of Tree Surgeon, is legally arbitrable.

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