

P.E.R.C. NO. 99-61

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(DIVISION OF STATE POLICE),

Petitioner,

-and-

Docket No. SN-99-8

STATE TROOPERS FRATERNAL
ASSOCIATION OF NEW JERSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the State Troopers Fraternal Association of New Jersey's motion for reconsideration of P.E.R.C. No. 99-38, 24 NJPER 518 (¶29241 1998). In that decision, the Commission granted the request of the State of New Jersey (Division of State Police) for a restraint of binding arbitration of a grievance seeking back pay and retroactive benefits for a State trooper who was restored to good standing after disciplinary charges were dismissed. The Commission finds that the STFA has not specified any extraordinary circumstances warranting reconsideration of its ruling that this dispute is controlled by judicial and legislative developments.

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. 99-62

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JACKSON TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-99-28

JACKSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Jackson Township Board of Education for a restraint of binding arbitration of a grievance filed by the Jackson Education Association. The grievance contests the non-renewal of a teacher's contract as head golf coach for the 1998-99 school year. The Commission finds that disputes over the non-retention of employees in extracurricular positions are legally arbitrable. The Commission further finds that N.J.S.A. 18A:27-4.1, which addresses the role of the chief school administrator in making school board employment decisions, does not preclude arbitration of this dispute.

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P.E.R.C. NO. 99-63

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERGENFIELD BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-9

BERGENFIELD EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Bergenfield Board of Education for a restraint of binding arbitration of a grievance filed by the Bergenfield Education Association. The grievance contests the withholding of a teacher's increment. The Board's reasons for withholding the increment are: misusing of school property by using a computer to view and store sexually explicit or obscene materials; engaging in such activity during times when the teacher was supposed to be instructing or supervising students; viewing such material in a manner which also allowed students to view or access the same material; and maintaining an inappropriate teaching environment given the sexually explicit or obscene materials. The Commission finds that although an element of the withholding involves misuse of school equipment, on balance, the reasons relate predominately to an evaluation of teaching performance and any appeal must be filed with the Commissioner of Education.

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P.E.R.C. NO. 99-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

KINNELON BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-99-25

KINNELON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the Kinnelon Board of Education for a restraint of binding arbitration of a grievance filed by the Kinnelon Education Association. The grievance contests the withholding of a tenured teacher's increment for the 1998-1999 school year. The Board asserts that the increment was withheld for three reasons -- inappropriate comments in the classroom, inappropriate classroom discussions, and failure to follow administrators' recommendations concerning those comments. The Commission concludes that, under all the circumstances, the reasons for this withholding relate predominately to the evaluation of teaching performance.

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P.E.R.C. NO. 99-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,
(DEPARTMENT OF HUMAN SERVICES),

Respondent,

-and-

Docket No. CO-H-98-307

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, LOCAL 1040,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission orders the State of New Jersey (Department of Human Services) to cease and desist from making statements threatening to discipline employees for posting CWA newsletter articles on CWA bulletin boards. The Communications Workers of America, AFL-CIO, Local 1040 alleged that the State violated the New Jersey Employer-Employee Relations Act when an employee relations officer maliciously removed a CWA newsletter article from a CWA bulletin board and threatened to discipline an employee because her copy of the article had been posted. The Commission finds that the employee relations officer's comment violated the Act, but does not find a violation concerning the removal of the article from the bulletin board.

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P.E.R.C. NO. 99-66

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(DEPARTMENT OF CORRECTIONS),

Petitioner,

-and-

Docket No. SN-98-70

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State of New Jersey (Department of Corrections) for a restraint of arbitration of a grievance filed by the Communications Workers of America, AFL-CIO. The grievance alleges that DOC violated the parties' collective negotiations agreements by not providing a safe and healthful workplace. The Commission declines to restrain arbitration over the assertion that the workplace is unsafe and unhealthful. The Commission takes no position on the contractual merits. The Commission denies the restraint without prejudice to the employer's refiling its petition after an arbitration award is issued should the employer believe that any remedy ordered trenches upon its prerogative.

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P.E.R.C. NO. 99-67

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SEASIDE HEIGHTS,

Respondent,

-and-

Docket No. CI-H-98-20

JOEL MARASCO,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission adopts a Hearing Examiner's recommendations and dismisses a Complaint against the Borough of Seaside Heights. The Complaint, based on an unfair practice charge filed by Joel Marasco, alleges that the Borough violated the New Jersey Employer-Employee Relations Act when it reassigned him from an ocean to a bay beach lifeguard stand and dismissed him when he refused to accept the assignment, allegedly because of his plans to use the Lifeguard Association of Seaside Heights (LASH) to negotiate for a higher salary for lifeguards. The charge also alleges that the Borough violated the Act when a Captain took over and dominated LASH by forcing members to observe a constitution he drafted and by appointing LASH officers of his choosing. The Commission finds that LASH was not an employee organization and that Marasco did not engage in protected activity.

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P.E.R.C. NO. 99-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST DEPTFORD TOWNSHIP
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-96-256

WEST DEPTFORD TOWNSHIP
EDUCATION ASSOCIATION and
ELWOOD HUMPHRIES,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the West Deptford Township Board of Education. The Complaint was based on an unfair practice charge filed by the West Deptford Township Education Association and Elwood Humphries. The charge alleges that the Board violated the New Jersey Employer-Employee Relations Act when it retaliated against Association representative Humphries for engaging in activities protected by the Act. The Commission finds that, on this record, the Board has proved that it would not have renewed Humphries' contract based upon his attendance record, even absent his protected activities.

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P.E.R.C. NO. 99-69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH,

Petitioner,

-and-

Docket No. SN-99-6

FMBA LOCAL NO. 9,

Respondent.

SYNOPSIS

The Public Employment Relations Commission decides the negotiability of a terminal leave proposal submitted by FMBA Local No. 9 to interest arbitration for inclusion in a successor collective negotiations agreement with the City of Elizabeth. The Commission finds that the FMBA's proposal involves a declining supplemental retirement incentive for employees who retire with 25 to 34 years of service and is not mandatorily negotiable.

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