

P.E.R.C. NO. 2007-20

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CARTERET BOROUGH BOARD OF EDUCATION,

Respondent,

-and-

Docket No. TO-2006-002

CARTERET EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission dismisses a petition for contested transfer determination filed by the Carteret Education Association. The Association alleges that the Carteret Borough Board of Education transferred a maintenance employee from the day shift to an afternoon/evening shift as discipline for allegedly harassing a teacher. N.J.S.A. 34:13A-25 prohibits transfers of school board employees between work sites for disciplinary reasons. The Commission holds that this case involves a change of shifts, not a transfer between work sites.

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.

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Appearances:

For the Respondent, Wilentz Goldman & Spitzer P.A.,  
attorneys (Elizabeth Farley Murphy, of counsel)

For the Petitioner, Stephen E. Klausner, Esq., LLC,  
attorney

DECISION

On March 6, 2006, the Carteret Education Association filed a petition for contested transfer determination. The Association alleges that the Carteret Borough Board of Education transferred a maintenance employee from the day shift to an afternoon/evening shift as discipline for allegedly harassing a teacher. The petition does not specify the employee's work sites before and after the transfer, as required by N.J.A.C. 19:18-2.2(b)5.

On July 11, 2006, the Board filed a motion to dismiss. It argues that a transfer to a different shift is not a disciplinary transfer between work sites in violation of N.J.S.A. 34:13A-25. The Association has not responded to the motion.

N.J.S.A. 34:13A-25 prohibits transfers of school board employees between work sites for disciplinary reasons. In Mt. Arlington Bd. of Ed., P.E.R.C. No. 98-4, 23 NJPER 450 (¶28211 1997), we explained that by using the term "work sites," the Legislature intended to prohibit disciplinary transfers between buildings.

In this case, the maintenance employee has certified that:

[a]ll maintenance workers are assigned to the building that houses the Administrative Office of the District. We are then assigned by the Director of Building and Grounds to any district owned properties to repair or maintain objects that may need to be repaired or replaced.

This case involves a change of shifts, not a transfer between work sites. Accordingly, this petition must be dismissed.

ORDER

The contested transfer petition is dismissed.

BY ORDER OF THE COMMISSION

Chairman Henderson, Commissioners DiNardo, Fuller, Katz and Watkins voted in favor of this decision. None opposed. Commissioner Buchanan was not present.

ISSUED: September 28, 2006

Trenton, New Jersey