

I.R. NO. 88-3

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

OLD BRIDGE TOWNSHIP BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-88-11

OLD BRIDGE EDUCATION ASSOCIATION,

Respondent.

Appearances:

For the Petitioner  
Wilentz, Goldman & Spitzer  
(Steven J. Tripp, of counsel)

For the Respondent  
Oxfeld, Cohen, Friedman, LaVine & Brooks  
(Sanford R. Oxfeld, of counsel)

INTERLOCUTORY DECISION

On July 21, 1987, the Old Bridge Township Board of Education filed a Scope of Negotiations Petition with the Public Employment Relations Commission ("Commission"). Accompanying the petition was a request for an Order to Show Cause. The Show Cause Order was signed and with the consent of the parties a telephonic hearing was conducted on July 21, 1987.

The Board requested that an arbitration be restrained. The arbitration concerned a demand for compensation for the assignment of additional duties to unit members. The demand for arbitration did not seek to alter the assignment of additional duty.


In a scope of negotiations petition:

The Commission is addressing the abstract issue: is the subject matter in dispute within the scope of collective negotiations. Whether that subject is within the arbitration clause of the agreement, whether the facts are as alleged by the grievant, whether the contract provides a defense for the employer's alleged action, or even whether there is a valid arbitration clause in the agreement or any other question which might be raised is not to be determined by the Commission in a scope proceeding. Those are questions appropriate for determination by an arbitrator and/or the courts.  
[78 N.J. at 154]

Compensation is a term and condition of employment and matters concerning compensation are clearly arbitrable. Specifically, here the arbitration concerns only whether these employees are entitled to increased compensation under the terms and conditions of the contract.

Accordingly, I decline to restrain the arbitration.

This decision is an interim decision only and is subject to a decision by the full Commission. Should the Commission find in fact that these matters are not arbitrable, the Commission may restrain the arbitrator from issuing his final award.

  
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Edmund G. Gerber  
Commission Designee

DATED: July 29, 1987  
Trenton, New Jersey