

I.R. NO. 89-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BERKELEY HEIGHTS BOARD OF EDUCATION,

Charging Party,

-and-

Docket No. CE-89-5

BERKELEY HEIGHTS EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Commission Designee temporarily restrains the Berkeley Heights Education Association from placing the issue of the number of evening parent-teacher conferences that a teacher must attend during the year before a fact-finder appointed by the Public Employment Relations Commission.

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Appearances:

For the Charging Party
Pachman and Glickman, Esqs.
(Martin R. Pachman, of counsel)

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

INTERLOCUTORY DECISION

On September 26, 1988, the Berkeley Heights Board of Education ("Board") filed an Unfair Practice Charge with the Public Employment Relations Commission ("Commission") alleging that the Berkeley Heights Education Association ("Association") violated subsection 5.4(b)(3) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act").^{1/} The Board specifically

^{1/} This subsection prohibits employee organizations, their representatives or agents from: (3) Refusing to negotiate in good faith with a public employer, if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit.

alleged that the contract between the parties expired on June 30, 1988. That contract provided that:

During the Fall of each school year the Board may schedule up to four evening parent-teacher conferences. Teachers will attend and participate in such conferences. Such conferences shall not be scheduled on Fridays nor shall any more than two evening conferences be scheduled during any given week. On days on which evening conferences are scheduled, teachers will be permitted to leave at the close of the student day. No formal parent-teacher conferences shall be scheduled during the spring of a school year.

The negotiations are at an impasse and the parties are currently before a fact-finder. Throughout the negotiations, the Association has insisted on negotiating the number of parent-teacher conferences and an Association representative stated that if the parties can't reach an agreement on reducing the number of evening conferences, then the parties can't reach a settlement.

The unfair practice charge was accompanied by an Application for Interim Relief seeking to restrain the Association from placing before any fact-finder any proposals regarding the number of parent-teacher evening conferences or the assignment of staff to attend same.


The standards that have been developed by the Commission for evaluating interim relief requests are similar to those applied by the Courts when addressing similar applications. The moving party must demonstrate that it has a substantial likelihood of success on the legal and factual allegations in a final Commission decision and that irreparable harm will occur if the requested

relief is not granted. Further, in evaluating such requests for relief, the relative hardship to the parties in granting or denying the relief must be considered.^{2/}

The Association does not dispute the Board's factual allegations or challenge the Board's right to assign parent-teacher conferences. The Association only argues that the Board does not have a non-negotiable right to schedule such conferences in the evening.

The Commission has consistently held that school boards have a non-negotiable right to schedule evening parent-teacher conferences. Hammonton Board of Education, P.E.R.C. 87-25, 12 NJPER 753 (¶17283 1986) and Freehold Reg. H.S. District, P.E.R.C. 84-19, 10 NJPER 265 (¶15129 1984). The Commission also recognizes the irreparable nature of harms which occur during the negotiations process.

Accordingly, the Berkeley Heights Education Association is restrained from placing the issue of the reduction of the number of evening parent-teacher conferences before the fact-finder.


 Edmund G. Gerber
 Commission Designee

DATED: October 4, 1988
 Trenton, New Jersey

^{2/} Crowe v. DeGioia, 90 N.J. 126 (1982); Tp. of Stafford, P.E.R.C. No. 76-9, 1 NJPER 59 (1975); State of New Jersey (Stockton State College), P.E.R.C. No. 76-6, 1 NJPER 41 (1975); Tp. of Little Egg Harbor, P.E.R.C. No. 94, 1 NJPER 36 (1975).