

P.E.R.C. No. 77-8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GALLOWAY TOWNSHIP BOARD OF EDUCATION,

Respondent,

- and -

Docket No. CO-76-59-36

GALLOWAY TOWNSHIP EDUCATION ASSOCIATION,

Charging Party.

ORDER ON MOTION

On July 19, 1976 the Commission issued its Decision and Order in the above-captioned unfair practice proceeding. In re Galloway Township Board of Education, P.E.R.C. No. 77-3, 2 NJPER

On July 29, 1976 the Respondent, Galloway Township Board of Education, filed a timely motion for reconsideration pursuant to N.J.A.C. 19:15-4.1, with supporting affidavit. The attorney for the Respondent avers that he never received the exception to the hearing examiner's report filed by the Charging Party, Galloway Township Education Association, and seeks an opportunity at this time to file in opposition to such exception. On August 23, 1976 the Charging Party filed two affidavits in opposition to the motion for reconsideration, averring that its exception was in fact mailed to the attorney for the Respondent at the same time that it was mailed to the Commission for filing.

Upon consideration of the supporting and opposing papers filed herein it appears entirely possible to the Commission that the Charging Party did mail the exception as so averred, but that the Respondent did not receive it, as Respondent so swears. Since the exception filed by the Charging Party did go to that part of the Hearing Examiner's recommended order which the Commission modified it seems only fair that Respondent should be allowed to respond to that exception. Therefore the Commission hereby orders that the motion for reconsideration is granted.

The Respondent shall file with the Commission an original and nine copies of its answering brief, pursuant to N.J.A.C. 19:14-7.3(d) by no later than the close of business on September 8, 1976, together with proof of service upon the Charging Party. The said answering brief shall be limited to a discussion of the matter raised in the Charging Party's exception. The Decision and Order issued on July 19, 1976 herein, P.E.R.C. No. 77-3, is hereby stayed pending Commission disposition of this matter on reconsideration.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener, Chairman

Chairman Tener and Commissioners Hartnett and Parcels voted for reconsideration. Commissioners Hipp and Hurwitz did not participate in this matter. Commissioner Forst was not present.

DATED: Trenton, New Jersey
August 24, 1976

ISSUED: August 25, 1976