

P.E.R.C. No. 83-121

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EDISON TOWNSHIP BOARD
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-82-109

EDISON TOWNSHIP EDUCATION
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a Motion to Reconsider its decision in P.E.R.C. No. 83-100, 9 NJPER ____ (¶ ____ 1983), except to the extent that the motion asks the Commission to modify its order concerning the negotiability of having a representative attend a teacher's annual summary conference. Both parties agreed that the contract proposal should be modified to condition the representative's attendance on the teacher's reasonable belief that the conference might result in discipline. The Commission so modified its order.

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Appearances:

For the Petitioner, Cassetta, Brandon & Taylor
(Raymond A. Cassetta, Consultant)

For the Respondent, Klausner & Hunter, Esqs.
(Stephen B. Hunter of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On May 5, 1982, the Edison Township Board of Education ("Board") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. It sought a determination whether ten provisions from an existing contract were mandatory subjects of collective negotiations between the Board and the Edison Township Education Association ("Association"). The Association wished to include these provisions in a successor contract.

On January 20, 1983, the Commission issued its decision on the negotiability of each of the ten provisions. P.E.R.C. No. 83-100, 9 NJPER ____ (¶ ____ 1983). The Commission determined that six of the provisions were not mandatorily negotiable,

that one of the provisions was mandatorily negotiable, and that the remaining three provisions could be negotiated provided certain limitations were included in any agreement. A copy of this decision was served on both parties on January 24, 1983.

On February 10, 1983, the Board filed a Motion for Reconsideration. The Board contended that the Commission should have held three more provisions non-negotiable. On March 2, 1983, the Association filed a statement opposing reconsideration.

We have reviewed the parties' submissions. We do not find extraordinary circumstances justifying reconsideration except to the extent the Board asks us to consider whether the negotiability of Article XVI, Section C(3), providing for a witness/observer at annual summary conferences, should be conditioned upon the employee's reasonable belief that discipline may occur at such conference. The Association has stated that it has no objection if we clarify our earlier ruling to condition the negotiability of Article XVI, Section C(3) on a further provision that a representative only be allowed to attend those annual summary conferences which the teacher reasonably believes may result in discipline. We will do so and accordingly enter the following order.

ORDER

The Board's Motion for Reconsideration is denied except to the extent it seeks reconsideration of the negotiability of Article XVI, Section C(3). Article XVI, Section C(3) is

mandatorily negotiable provided that it also state, consistent with the Association's position, that a representative may only attend those annual summary conferences which the teacher reasonably believes may result in discipline.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Graves, Hartnett and Suskin voted in favor of this decision. Commissioners Hipp and Newbaker abstained. None opposed. Commissioner Butch was not present.

DATED: Trenton, New Jersey
March 16, 1983
ISSUED: March 17, 1983