

P.E.R.C. NO. 92-97

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SADDLE BROOK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-90-353

SADDLE BROOK EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission modifies its Order in P.E.R.C. No. 92-77 to provide that the Saddle Brook Board of Education shall compensate all teachers who worked full-day rather than half-day sessions at the end of the 1989-90 school year. The parties have twenty days within which to agree upon the actual number of days worked -- five less the number of days that were eliminated completely.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SADDLE BROOK BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-H-90-353

SADDLE BROOK EDUCATION ASSOCIATION,

Charging Party.

Appearances:

For the Respondent, George J. Sokalski, attorney

For the Charging Party, Bucceri & Pincus, attorneys  
(Sheldon Pincus, of counsel; Mary J. Hammer, on the briefs)

DECISION AND ORDER

On February 13, 1992, the Saddle Brook Education Association moved for reconsideration of P.E.R.C. No. 92-77, 18 NJPER 87 (¶23039 1992). In that decision, we found that the Saddle Brook Board of Education violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by increasing pupil contact time for teachers at the end of the 1989-90 school year. We ordered the Board to compensate all teachers who worked full-day rather than half-day sessions during the last three days of the 1989-90 school year. The Hearing Examiner had recommended that teachers be compensated for four days rather than three.

In the past, the Board had scheduled five half-day sessions for students at the end of the school year. For 1989-90, the Board

changed three or four of those half-day sessions into full-day sessions, but eliminated one or two days completely. There was conflicting evidence about whether the number of days eliminated was one or two. We found that although there was some evidence that the Board had eliminated only one day, both parties stated in their briefs that two days had been eliminated and that fact was confirmed by a contemporaneous letter from the Board's president to the Association's president.

The Association notes that the Board did not file any exceptions to the recommended remedy. It claims that if this issue now needs to be clarified, we should remand to the Hearing Examiner for further testimony. Otherwise, it claims, the relief will be incomplete.

The Board filed a certification opposing reconsideration. It claims that it has commenced preparation for compensating teachers who worked during the last three days of the 1989-90 school year and has posted the required Notice to Employees.

We recognized that there was conflicting evidence on this issue and modified the Hearing Examiner's recommendation in order to make teachers whole and to avoid their being paid for more days than they were entitled to. The Association now claims that we erred in finding that the number of days eliminated was two rather than one.

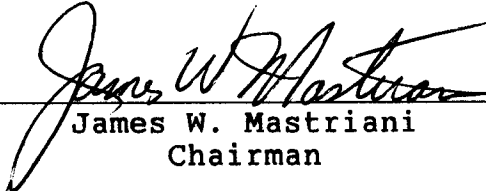
Whether teachers worked on June 14, 1990 should be readily ascertainable. If they did, then only one day was eliminated and teachers are entitled to payment for four. Under these unusual

circumstances, we grant reconsideration and modify our remedy to order the Board to compensate all teachers who worked full-day rather than half-day sessions at the end of the 1989-90 school year pursuant to Article IV.D.1 of the parties' 1989-92 agreement plus interest pursuant to the rates set in to R. 4:42-11. We will also give the parties twenty days to agree upon the actual number of days worked -- five less the number of days that were eliminated completely. Should the parties fail to agree, we will order a compliance proceeding.

ORDER

P.E.R.C. No. 92-77 is modified to provide that the Saddle Brook Board of Education shall compensate all teachers who worked full-day rather than half-day sessions at the end of the 1989-90 school year pursuant to Article IV.D.1 of the parties' 1989-92 agreement plus interest pursuant to the rates set in to R. 4:42-11. The parties have twenty days within which to agree upon the actual number of days worked -- five less the number of days that were eliminated completely.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Goetting, Grandrimo, Smith and Wenzler voted in favor of this decision. None opposed. Commissioners Bertolino and Regan abstained from consideration.

DATED: March 30, 1992  
Trenton, New Jersey  
ISSUED: March 31, 1992