

P.E.R.C. NO. 98-105

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MAHWAH BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CO-98-100

MAHWAH EDUCATION ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Mahwah Board of Education's request for reconsideration of a Commission designee's interim relief order. The designee had ordered the Board to pay automatic increments to teachers after the expiration of a two-year collective negotiations agreement with the Mahwah Education Association. The Commission finds that the Board has not presented any extraordinary circumstances warranting reconsideration.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Respondent, Sullivan & Sullivan, attorneys (Mark Sullivan, of counsel)

For the Charging Party, Bucceri & Pincus, attorneys (Gregory T. Syrek, of counsel)

DECISION

On November 3, 1997, the Mahwah Board of Education moved for reconsideration of I.R. No. 98-8, 23 NJPER 593 (¶28290 1997). In that decision, a Commission designee ordered the Board to pay automatic increments to teachers after the expiration of a two-year collective negotiations agreement with the Mahwah Education Association.

The Board argues that because the parties entered into their two-year agreement more than one year before the expiration of a predecessor three-year agreement, the Board was contractually bound to a three-year salary policy and schedule, the maximum permitted by N.J.S.A. 18A:29-4.1 as interpreted in Neptune Tp. Bd.

of Ed. v. Neptune Tp. Ed. Ass'n, 144 N.J. 16 (1996). According to the Board, it is therefore prohibited from continuing the parties' increment system after the expiration of the most recent agreement.

The Association opposes reconsideration. It argues that the parties' two-year agreement expired on June 30, 1997 and that neither the statutory limitation of N.J.S.A. 18A:29-4.1 nor Neptune applies when a two-year contract is involved.

The Board has not presented any extraordinary circumstances warranting reconsideration. The Board presented all its arguments to the designee. The designee issued a decision consistent with Commission precedent. Nothing in Neptune suggests that N.J.S.A. 18A:29-4.1 applies to two-year agreements entered into before the expiration of a predecessor agreement. Such a holding could jeopardize early contract settlements and the stability they foster.

ORDER

Reconsideration is denied.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioner Boose abstained from consideration. Commissioners Finn and Klagholz were not present.

DATED: January 29, 1998
Trenton, New Jersey
ISSUED: January 30, 1998