

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST NEWARK BOARD OF EDUCATION,

Petitioner,

Docket No. SN-78-16

-and-

EAST NEWARK EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

In a scope of negotiations proceeding initiated by the Board of Education, the Commission determined that the issue relating to the requirement that teachers serve on a rotation basis to supervise students during luncheon recess related to a permissive subject for collective negotiations. The Commission further concluded that the issue of a teacher's duty free luncheon period related to a required subject for collective negotiations. In accordance with the Commission's decision in In re Bridgewater-Raritan Regional Board of Education, P.E.R.C. No. 77-21, 3 NJPER 23 (1976), the Commission concluded that the grievance concerning the above issues may proceed to arbitration if otherwise arbitrable under the terms of the parties' agreement. The request of the Board of Education for a permanent restraint of arbitration concerning this matter was therefore denied.

P.E.R.C. NO. 78-70

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Appearances:

For the Petitioner, Greenwood, Weiss & Shain,  
Esqs. (Stephen G. Weiss, on the brief).

For the Respondent, Goldberg & Simon, Esqs.  
(Gerald M. Goldberg and Louis P. Bucceri,  
on the brief).

DECISION AND ORDER

On January 10, 1978 the East Newark Board of Education (the "Board") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission (the "Commission") seeking a determination as to whether the assignment of teachers on a rotation basis to provide student supervision for pupils remaining on school premises for luncheon recess is required to be negotiated.

The Board, in correspondence dated February 15, 1978, requested that the Commission grant interim relief in the form of an order restraining arbitration proceedings before the American Arbitration Association concerning the issue in dispute. In a written decision the Special Assistant to the Chairman, in accord with the

Commission's decision in In re Bridgewater-Raritan Regional Board of Education, P.E.R.C. No. 77-21, 3 NJPER 33 (1976) denied the Board's request for interim relief in the form of a temporary restraint of arbitration.<sup>1/</sup>

Following the Special Assistant's determination, the parties were given the opportunity to file supplemental briefs. Neither party filed such a brief.

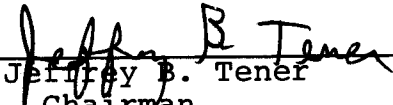
After careful consideration of the parties' submissions in this matter and the Special Assistant's interlocutory decision, we concluded that the subject matters in dispute relate to either permissive or required subjects of collective negotiations, in accord with the Commission and judicial decisions cited by the Special Assistant to the Chairman in his interlocutory decision, and the dispute between the parties may proceed to arbitration if otherwise arbitrable under the terms of their collective negotiations agreement. Therefore, the request of the Board for a

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<sup>1/</sup> In re East Newark Board of Education, P.E.R.C. 78-65, 4 NJPER \_\_\_\_ (¶ \_\_\_\_ 1978). The Commission has delegated to the Special Assistant the authority to conduct Show Cause proceedings on requests for interim relief and to issue interlocutory determinations on behalf of the Commission. These interlocutory decisions constitute a determination as to whether the facts of a particular case warrant the exercise of the discretion which the Commission possesses to restrain arbitration in appropriate circumstances. A copy of this interlocutory decision is attached and made a part hereof.

permanent restraint of arbitration must be and is hereby denied.

BY ORDER OF THE COMMISSION

  
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Jeffrey B. Tener  
Chairman

Chairman Tener, Commissioners Hartnett and Parcels voted for this decision. None opposed. Commissioners Graves. Hipp and Schwartz abstained.

DATED: Trenton, New Jersey

April 20, 1978

ISSUED: April 25, 1978