

P.E.R.C. NO. 86-92

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DOWNE TOWNSHIP BOARD OF
EDUCATION,

Charging Party
and Respondent,

-and-

Docket Nos. CE-84-22-29,
CE-84-24-30, CO-84-315-31

DOWNE TOWNSHIP EDUCATION
ASSOCIATION,

Respondent and Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a request by the Downe Township Education Association that the Commission impose additional remedial relief against the Downe Township Board of Education, which the Commission had previously found to have committed certain unfair practices. The Commission finds that such relief is not necessary at this time since the Board has complied with the Commission's remedial order.

P.E.R.C. NO. 86-92

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

DOWNE TOWNSHIP BOARD OF
EDUCATION,

Charging Party
and Respondent,

-and-

Docket Nos. CE-84-22-29,
CE-84-24-30, CO-84-315-31

DOWNE TOWNSHIP EDUCATION
ASSOCIATION,

Respondent and Charging Party.

Appearances:

For the Board, Ralph Henry Colflesh, Jr., Esquire

For the Association, Selikoff & Cohen, Esqs. (Steven R.
Cohen and Carol F. Laskin, of Counsel)

DECISION AND ORDER

On November 18, 1985, the Public Employment Relations Commission issued a decision holding that the Downe Township Board of Education ("Board") committed certain unfair practices, but dismissing allegations that either the Board or the Downe Township Education Association ("Association") committed other unfair practices. P.E.R.C. No. 86-66, 11 NJPER ____ (¶ 1985). We directed the Board to cease and desist from its unfair practices and to take certain affirmative remedial actions. We ordered the Board to notify the Chairman within 20 days what steps it had taken to comply with our order.

On December 9, 1985, the Board notified us that in order to terminate this litigation, it had complied with each requirement of the Commission's order. The letter, however, disagreed with our findings and conclusions.

On December 11, 1985, the Association filed a letter asking, in light of the Board's letter, that we order the Board to show cause why additional remedies should not be imposed and why we should not reconsider footnote no. 20 stating representation proceedings may resume. The Association filed supplemental supporting material. The Board has opposed these requests.

We believe no formal Commission action is warranted at this time. While the Board's letter is rhetorically intemperate, the key is the Board's assurance that it has taken the specific steps required to comply with our order and to terminate these proceedings. Upon proper application we will review any specific allegation that the Board has not complied with our order.^{1/}

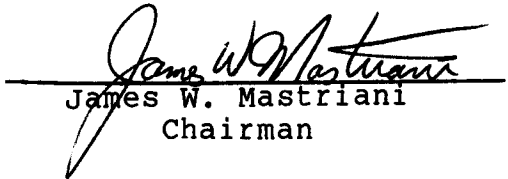
^{1/} The Association has alleged that the Board has not complied with that portion of our order requiring the Board to "[e]liminate any differences between the prescription plan of the members of the collective negotiations unit and the supportive staff" and to "reimburse any employee in the Association unit for expenses incurred since September 1, 1984, which are directly attributable to any economic differences between the two plans." It appears that the Board has elected to eliminate these differences by extending the non-contributory plan to teachers. Its superintendent's memorandum and January 6, 1986 letter to us makes clear that as of January 1, 1986 all teachers in the Association's unit may enroll in the non-contributory prescription plan, but it suggests that only those teachers previously enrolled in a

Further, if the Association believes any specific actions may taint the "laboratory conditions" required for our representation elections, then it may inform the Director of Representation of such allegations and the Director may then exercise his discretion to determine the proper timing of elections.

ORDER

The Association's application is denied without prejudice to a request that the Director of Representation review any claim that laboratory conditions for an election do not exist.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Johnson, Smith and Wenzler voted in favor of this decision. None opposed. Commissioner Reid abstained. Commissioners Hipp and Horan were not present.

DATED: Trenton, New Jersey
February 19, 1986
ISSUED: February 20, 1986

1/ Footnote Continued From Previous Page

contributory plan are entitled to reimbursement. We disagree: had a non-contributory plan been available to teachers, they presumably would have joined. Should the Board not clarify this memorandum by March 1, the Association may reapply for formal action.