

P.E.R.C. NO. 85-65

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY REGIONAL HIGH  
SCHOOL DISTRICT NO. 1,

Respondent,

-and-

Docket No. CU-83-9

UNION COUNTY REGIONAL HIGH  
SCHOOL FEDERATION OF TEACHERS  
LOCAL 3417, AFT/AFL-CIO,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies a motion for clarification which the Union County Regional High School Federation of Teachers Local 3417, AFT/AFL-CIO made. The Federation sought clarification of a decision the Director of Representation issued 19 months before. Its motion was untimely and raised issues concerning the contractual rights of Title I and Compensatory Education teachers which were and/or should have been litigated in a previous unfair practice proceeding.

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Appearances:

For the Respondent, Weinberg & Kaplow, P.A.  
(Richard J. Kaplow, of Counsel)

For the Petitioner, Sauer, Boyle, Dwyer & Canellis, P.C.  
(Christopher M. Howard, of Counsel)

DECISION AND ORDER

On October 17, 1984, Union County Regional High School Federation of Teachers, Local 3417, AFL-CIO ("Federation") filed a motion for clarification of a decision the Director of Representation issued on March 24, 1983. D.R. No. 83-22, 10 NJPER \_\_\_\_\_ (¶ \_\_\_\_\_ 1983). That decision clarified a unit of employees employed by Union County Regional High School District No. 1 ("District") and represented by the Federation to include, effective immediately, Chapter I and Compensatory Education teachers. The instant motion asks for clarification of whether that decision entitled Title I and Compensatory Education teachers, effective as of March 24, 1983, to salary, emoluments, and benefits contained in the collective negotiations agreement between the Federation and the District then in effect.

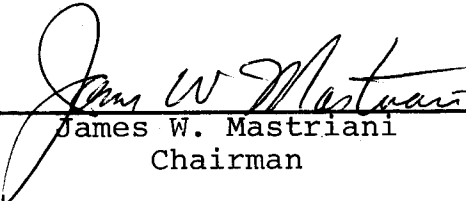
The District opposes the motion for clarification. It asserts that the instant motion merely attempts to relitigate the same issues as the Commission decided on September 6, 1984 in an unfair practice case. P.E.R.C. No. 85-23, 10 NJPER \_\_\_\_ (¶ \_\_\_\_ 1984).

We deny the instant motion. It is untimely and raises issues concerning the contractual rights of Title I and Compensatory Education teachers which were and/or should have been litigated in the previous unfair practice proceeding.<sup>1/</sup>

ORDER

The motion of Union County Regional High School Federation of Teachers, Local 3417, AFT/AFL-CIO for clarification is denied.

BY ORDER OF THE COMMISSION

  
\_\_\_\_\_  
James W. Mastriani  
Chairman

Chairman Mastraini, Commissioners Butch and Suskin voted in favor of this decision. None opposed. Commissioners Hipp and Newbaker abstained. Commissioners Graves and Wenzler were not in attendance.

DATED: Trenton, New Jersey  
November 29, 1984  
ISSUED: November 30, 1984

<sup>1/</sup> The rights of Title I and Compensatory Education employees under the education statutes are not directly implicated in this case and we express no opinion concerning them. See Spiewak v. Rutherford Bd. of Ed., 90 N.J. 63 (1983); Rutherford Ed. Ass'n v. Rutherford Bd. of Ed., \_\_\_ N.J. Super. \_\_\_ (App. Div. 1984), certif. granted \_\_\_ N.J. \_\_\_ (1984).