

P.E.R.C. NO. 79-74

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HAMILTON TOWNSHIP BOARD OF
EDUCATION,

Respondent,

Docket No. CO-78-243-73

-and-

HAMILTON TOWNSHIP EDUCATION
ASSOCIATION,

Charging Party.

SYNOPSIS

The Commission denies a Motion for Reconsideration filed by the Board in this matter because the matters raised in the Board's submissions had been fully considered by the Commission in its prior decision. See P.E.R.C. No. 79-59, 5 NJPER 115, (¶10068 1979).

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For the Respondent, Pachman, Aron, Till & Salsberg, Esqs.
(Mr. Martin R. Pachman, of Counsel)

For the Charging Party, Greenberg & Mellk, Esqs.
(Mr. Arnold M. Mellk, of Counsel)

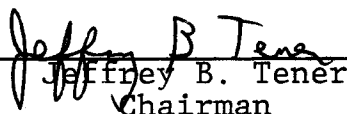
DECISION ON MOTION FOR RECONSIDERATION

The Hamilton Township Board of Education (the "Board") filed a motion for reconsideration with the Commission on March 30, 1979 regarding the Commission's decision in this matter, P.E.R.C. No. 79-59, 5 NJPER __ (¶ 1979), issued on March 9, 1979. That motion, filed pursuant to N.J.A.C. 19:14-8.4, argues that the Commission's failure to consider the Board's statement in opposition to the exceptions filed by the Hamilton Township Education Association (the "Association") constitutes "extraordinary circumstances" which warrant our reconsideration. The Board submitted with its motion for reconsideration a letter dated March 8, 1979 with an attached envelope indicating that it had been refused

because it had insufficient postage and an additional letter dated March 27, 1979 which addresses the Commission's decision. The Association, by letter received April 6, 1979, opposes our reconsideration of this matter.

Without getting into the issue of the timeliness of either the Board's statement in opposition to the exceptions or its motion for reconsideration, we observe that the matters raised in both submissions were fully considered by us in our decision. In essence, the Commission concluded that Holden's conduct at the grievance hearing was not indefensible. The Board, citing the same case which we followed,^{1/} urges a contrary conclusion. Having previously considered the arguments raised by the Board, and having considered the circumstances surrounding this matter, we fail to find that extraordinary circumstances exist which warrant our reconsideration. Accordingly, the Board's motion is denied.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

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

DATED: Trenton, New Jersey
April 26, 1979
ISSUED: April 27, 1979

^{1/} Crown Central Petroleum Corp., 430 F.2d 724, 74 LRRM 2855 (7th Cir. 1965).