

P.E.R.C. NO. 86-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONROE TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-84-87

MONROE TOWNSHIP FEDERATION
OF TEACHERS,

Respondent.

SYNOPSIS

The Public Employment Relations Commission declines to
reconsider P.E.R.C. No. 85-56, 11 NJPER ____ (¶ ____ 1985).

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MONROE TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-84-87

MONROE TOWNSHIP FEDERATION
OF TEACHERS,

Respondent.

Appearances:

For the Petitioner, Hannold, Caulfield, Marshall and
McDonnell, Esq. (Martin F. Caulfield, Of Counsel)

For the Respondent, Sidney H. Lehmann, Esq.

DECISION AND ORDER

On October 18, 1985, the Public Employment Relations Commission declined to restrain binding arbitration of a grievance which the Monroe Township Federation of Teachers had filed against the Monroe Township Board of Education. P.E.R.C. No. 85-56, 11 NJPER ____ (¶ ____ 1985). We declined to rule on the negotiability of certain provisions in a predecessor contract since the Federation no longer sought to include them in a successor contract. The decision also did not address the negotiability of substitute language proposed by the Association in view of letters from the Board's attorney stating that the Board's petition did not seek a determination of the negotiability of the modified proposals.

On October 31, 1985, the Federation requested reconsideration. The Federation argues that pursuant to an August 31, 1984 Board-Federation memorandum (quoted at p. 2, fn. 2 of P.E.R.C. No. 86-56), it was agreed that the Federation's new proposals, if found negotiable by the Commission, would be incorporated into the parties' new 1984-1987 agreement. The Federation states its belief that a dispute exists with respect to its proposals because the Board has refused to execute a contract containing the new language.

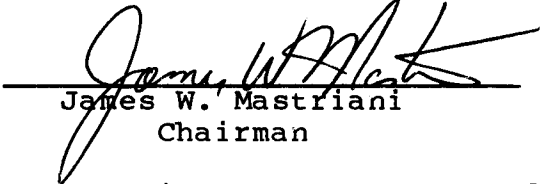
On November 13, 1985, the Board filed a response. It does not seek a determination of the negotiability of the Federation's modified proposals. Instead, it invoked our jurisdiction for the sole purpose of contesting the negotiability of language in the expired agreement.

Given the Board's position, we again find there is no active scope of negotiations dispute before us regarding the Federation's proposals. Because our scope of negotiations jurisdiction is limited, Ridgefield Park Ed. Ass'n v. Ridgefield Park Bd. of Ed., 78 N.J. 144, 154 (1978); In re Hillside Bd. of Ed., P.E.R.C. No. 76-11, 1 NJPER 55 (1975), we cannot address whether the parties' agreed, in their August 31, 1984 memorandum, to incorporate the Federation's proposals in the new agreement or whether the Board refused to honor such an agreement. Our unfair practice jurisdiction can resolve such a dispute if necessary. We therefore deny reconsideration.

ORDER

The Motion for Reconsideration is denied.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Johnson, Suskin and Wenzler voted in favor of this decision. None opposed. Commissioner Hipp abstained. Commissioner Graves was not present.

DATED: Trenton, New Jersey

December 12, 1985

ISSUED: December 13, 1985