

P.E.R.C. NO. 90-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

NORTH BERGEN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-90-16

NORTH BERGEN FEDERATION OF
TEACHERS, A.F.T. LOCAL 1060,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that the North Bergen Board of Education is not required to negotiate over two clauses in its collective negotiations agreement with the North Bergen Federation of Teachers, A.F.T. Local 1060 pending a change in the scope of negotiations.

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Appearances:

For the Petitioner, Ruderman & Glickman, Esqs.
(Marc S. Ruderman, of counsel)

For the Respondent, Mullica & Mullica, Esqs.
(Victor P. Mullica, of counsel; Theodore V. Mullica, on the
brief)

DECISION AND ORDER

On October 10, 1989, the North Bergen Board of Education petitioned for a scope of negotiations determination. The Board contends that two paragraphs of an appendix to an expired collective negotiations agreement with the North Bergen Federation of Teachers, A.F.T. Local 1060 are not mandatorily negotiable.

The parties have filed briefs and documents. These facts appear.

The Federation represents the Board's teachers. The parties entered into a collective negotiations agreement effective September 1, 1986 through August 31, 1989. Appendix I to the agreement contains provisions which were once part of prior

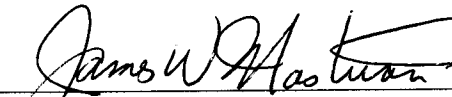
agreements. The contract's severability clause states that the parties agree that the contents of Appendix I are not mandatorily negotiable, but that if changes in the law make the clauses negotiable they will take effect. During negotiations for a successor agreement the Board demanded that clauses 10(c) and 10(g) concerning daily class load be removed from Appendix I.

The Federation concedes that the two class load provisions are not mandatorily negotiable. The only issue in dispute is whether the Board must negotiate over whether these clauses can remain in a contract pending a change in the scope of negotiations. In accordance with established case law, it need not. See Ridgefield Pk. Bd. of Ed., P.E.R.C. No. 84-50, 9 NJPER 670 (¶14292 1983).

ORDER

The North Bergen Board of Education is not required to negotiate over keeping Appendix I, clauses 10(c) and 10(g) in its collective negotiations agreement with the North Bergen Federation of Teachers, A.F.T. Local 1060 pending a change in the scope of negotiations.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

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

DATED: Trenton, New Jersey
February 28, 1990
ISSUED: March 1, 1990