

P.E.R.C. NO. 81-120

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBIDGE TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-81-66

WOODBIDGE TOWNSHIP FEDERATION  
OF TEACHERS, LOCAL 822, AFT,  
AFL-CIO,

Respondent.

SYNOPSIS

In a scope of negotiations proceeding, the Commission concludes that the gravamen of the relevant grievance relates solely to the method of preparation and submission of lesson plans which is an educational policy matter beyond the scope of collective negotiations. In re Fairview Board of Education, P.E.R.C. No. 81-19, 6 NJPER 395 (¶11204 1980); In re Northern Burlington Co. Reg. Bd of Ed, P.E.R.C. No. 80-151, 6 NJPER 315 (¶11154 1980); In re West Amwell Twp. Bd of Ed, P.E.R.C. No. 78-31, 4 NJPER 23 (¶4012 1977). Accordingly, the Commission permanently restrained arbitration with respect to this grievance.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WOODBRIAGE TOWNSHIP BOARD  
OF EDUCATION,

Petitioner,

-and-

Docket No. SN-81-66

WOODBRIAGE TOWNSHIP FEDERATION  
OF TEACHERS, LOCAL 822, AFT,  
AFL-CIO,

Respondent.

Appearances:

For the Petitioner, Hutt, Berkow, Hollander &  
Jankowski, P.C.  
(Joseph J. Jankowski, of Counsel)

For the Respondent, Sauer, Boyle, Dwyer, Canellis  
& Cambria, Esqs.  
(William Cambria, of Counsel)

DECISION AND ORDER

On February 3, 1981, the Woodbridge Township Board of Education (the "Board") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission seeking a determination as to whether a matter in dispute between the Board and the Woodbridge Township Federation of Teachers, Local 822, AFT, AFL-CIO (the "Federation") was within the scope of collective negotiations and therefore legally arbitrable. Both parties filed briefs with the Commission concerning their positions in this matter, all of which were received by March 18, 1981.

The pertinent facts in this matter are not in dispute. On or about September 2, 1980 the Board required members of the Federation's unit to comply with a new lesson plan format. Thereafter, by letter dated September 5, 1980, the Federation initiated a grievance concerning the implementation of the new lesson plan requirements. In its grievance the Federation alleges a violation of certain sections of the parties' collective agreement pertaining to the selection and operation of the Woodbridge Township Special Purpose Study Committee, and a clause concerning educational procedures.<sup>1/</sup>

1/ The grievance alleged a violation of the following contractual clauses:

- 6.18.2...Formation of Committees: said committees shall be formed by a "Selection and Recruiting Committee" which shall consist of: - Assistant Superintendent for Personnel - Director of Secondary Education - Director of Elementary Education - Three members designated by the Union president.
- 6.18.5...Business of Special Purpose Study Committee: - Keep minutes of each meeting which shall be filed with the Assistant Superintendent for Personnel and with the Union. - Consider only that business which pertains to their respective functions.
- 6.18.6...The recommendations and findings of all Special Purpose Study Committees shall not be implemented until or unless said recommendations are mutually agreed to by the Board and the Union.
- 9.1....Teachers shall be expected to plan and execute appropriate teaching units or daily lesson plans utilizing a variety of materials and methods of presentation. Teachers have the freedom to make these plans within the limits imposed by law, the State Board of Education regulations, district policies and regulations and Board-approved curricula. These plans are to be submitted in writing to the appropriate administrator for approval by Friday afternoon preceding implementation. When handling controversial issues, the teacher may express her/his own personal position on that particular issue as long as s/he makes it clear that it is only her/his opinion.

In November 1980 the Board denied the Federation's grievance, and in December 1980 the Federation submitted this grievance to arbitration. Prior to the scheduling of any arbitration, the instant Petition was filed and the parties agreed to hold the arbitration in abeyance pending the Commission's determination of the instant matter.

In its Memorandum of Law submitted with the Petition, the Board relied upon In re Northern Burlington Co. Reg. Bd of Ed, P.E.R.C. No. 80-151, 6 NJPER 315 (¶111154 1980) and In re West Amwell Twp. Bd of Ed, P.E.R.C. No. 78-31, 4 NJPER 23 (¶4012 1977), in arguing that the issue herein involved the development, substance and implementation of lesson plan format requirements which concern a managerial policy decision and are neither negotiable nor arbitrable.

On March 16, 1981, the Federation submitted a brief in support of its position and argued that the grievance involved primarily "procedural" violations committed by the Board in:

...composition of the "study committee,"  
failure to give the Federation notice of the  
committee recommendations, and failure to  
negotiate with the Federation before imple-  
mentation of the recommendations and submission  
of teaching units and lesson plans.

The Federation then, for the first time in these proceedings, argued that the grievance itself concerned teacher workload, and alleged that the new lesson plan policy required an additional two hours of planning and writing for each teaching day. The Federation

therefore concluded that since the grievance concerned teacher workload, it was mandatorily negotiable. In support of its position, the Federation argued that the Commission in Northern Burlington, supra, and West Amwell, supra, left open the possibility of lesson plan negotiability where workload was involved.

In a reply brief filed March 18, 1981, the Board argued that the instant matter did not involve workload and was limited to the clauses cited in the grievance. Moreover, the Board argued that the Commission in In re Fairview Board of Education, P.E.R.C. No. 81-19, 6 NJPER 395 (¶11204 1980) held that the method of preparation and submission of teacher lesson plans was an educational policy matter beyond the scope of negotiations, and disagreed with the Fairview Federation's argument that the matter involved a workload issue.

The instant matter is substantially similar to the Commission's decision in Fairview, supra. In that case, the Commission held that in determining the nature of the issue sought to be arbitrated the Commission will consider the statement of the grievance, the demand for arbitration, and the provisions of the contract alleged to have been violated.<sup>2/</sup> The Commission will review that information together with the wording of the scope petition.


<sup>2/</sup> See also, In re Elizabeth Board of Education, P.E.R.C. No. 80-10, 5 NJPER 303 (¶10164 1979); In re West Paterson Board of Education, P.E.R.C. No. 80-14, 5 NJPER 377 (¶10192 1979); In re Fairview Board of Education, P.E.R.C. No. 80-32, 5 NJPER 400 (¶10207 1979).

Having reviewed that material, the Commission finds that the issue herein involves substantially the same lesson plan issues found to be non-negotiable in West Amwell, Northern Burlington and Fairview. An examination of the instant grievance and the contractual clauses in question reveals that the Federation was objecting to alleged violations of the Special Purpose Study Committee provisions, as well as a provision concerning lesson plans. Neither the cited contractual provisions, nor the statement of the grievance raise a workload issue, and the Federation has not cited a contractual workload clause which it claims has been violated.

ORDER

Based upon the foregoing discussion, it is hereby determined that matters relating to the preparation and submission of lesson plans are illegal subjects for collective negotiations and, IT IS HEREBY ORDERED that the Federation refrain from seeking to arbitrate with regard to the Board's decision to implement new lesson plan format requirements.

BY ORDER OF THE COMMISSION

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

Chairman Mastriani, Commissioners Hartnett, Parcels and Suskin voted in favor of this decision. Commissioners Graves and Hipp voted against the decision. Commissioners Newbaker abstained.

DATED: Trenton, New Jersey  
April 16, 1981  
ISSUED: April 20, 1981