

P.E.R.C. NO. 82-44

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PENNS GROVE-CARNEY'S POINT
BOARD OF EDUCATION,

Petitioner,

- and -

Docket No. SN-81-62

PENNS GROVE-CARNEY'S POINT
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Association filed a Motion for Reconsideration of a Scope of Negotiations decision rendered by the Commission in P.E.R.C. No. 81-144, 7 NJPER 356 (¶12160 1981). In that decision, the Commission held that the predominant issue in dispute involved the reappointment of a teacher to an extracurricular position rather than employee discipline pursuant to a "just cause" standard. Citing Northvale Bd. of Ed. v. Northvale Teachers Assn, P.E.R.C. No. 80-79, 6 NJPER 13 (¶11007 1979), aff'd App. Div. Docket No. A-1590-79, the matter was held to be outside the scope of negotiations and not arbitrable.

Finding no basis to disturb its original decision, the motion is denied.

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Appearances:

For the Petitioner, Cassetta, Brandon Associates
(Daniel J. Brandon, Consultant)

For the Respondent, Selikoff & Cohen, P.A.
(Steven R. Cohen, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On June 11, 1980 the Penns Grove-Carney's Point Board of Education (the "Board") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission (the "Commission") seeking a determination as to whether certain matters in dispute between the Board and the Penns Grove-Carney's Point Education Association ("Association") were within the scope of negotiations.

The Petition for Scope of Negotiations Determination was decided by the Commission in a Decision and Order, P.E.R.C. No. 81-144, 7 NJPER 356 (¶12160 1981).

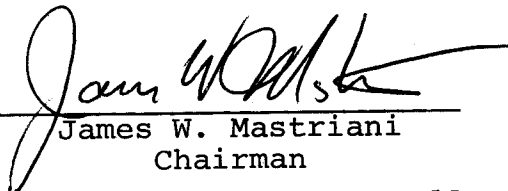
Pursuant to N.J.A.C. 19:14-8.4, the Association has filed a Motion for Reconsideration concerning the Commission's holding that the predominant issue in dispute involved the reappointment

of a teacher to an extracurricular position rather than employee discipline, pursuant to a "just cause" standard.

In our prior decision we found that the dispute centered around the negotiability/arbitrability of a grievance which the Association had filed challenging the Board's refusal to reappoint C. E. Battersby, a teacher in the Penns Grove-Carney's Point Regional School District, to the position of Student Congress Advisor for the 1980-81 school year. The Association alleged that Battersby was not reappointed to his extracurricular position to discipline him for a discussion that Battersby had with one of his students and that student's parent. The Commission held that the dominant issue concerned the subject of assignment to extracurricular positions, and this subject, as was noted in the decision, has consistently been held to be a matter outside the scope of negotiations, and therefore not arbitrable.^{1/}

After thorough consideration of the Association's motion, we find there is no basis to disturb our original decision, and thus the motion is hereby denied.

BY ORDER OF THE COMMISSION



 James W. Mastriani
 Chairman

Chairman Mastriani, Commissioners Hartnett, Parcels, Suskin voted for this decision. Commissioner Graves voted against this decision. Commissioners Hipp and Newbaker abstained.

DATED: Trenton, New Jersey
 October 2, 1981
 ISSUED: October 5, 1981

^{1/} See, e.g., Northvale Bd. of Ed. v. Northvale Teachers Assn
 P.E.R.C. No. 80-79, 6 NJPER 13 (¶11007 1979), aff'd App. Div.
 Docket No. A-1590-79.