

P.E.R.C. NO. 80-128

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MARLBORO TOWNSHIP BOARD OF
EDUCATION,

Petitioner,

-and-

Docket No. SN-80-74

MARLBORO TOWNSHIP TEACHERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Chairman of the Commission, in a scope of negotiations proceeding, orders the Marlboro Township Education Association to refrain from arbitrating or seeking to arbitrate the decision of the Board of Education to assign a teacher as yearbook advisor. The Chairman concluded, based on prior Commission decisions, that the decision of a board of education to assign extra-curricular duties was an illegal subject of collective negotiations.

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Appearances:

For the Petitioner, Vincent C. DeMaio, Esq.

For the Respondent, Greenberg & Mellk, Esqs.
(Mr. Arnold M. Mellk, of Counsel and Mr.
Alan G. Kelley, on the Brief)

DECISION AND ORDER

On January 25, 1980 a Petition for Scope of Negotiations Determination together with a letter memorandum was filed with the Public Employment Relations Commission by the Marlboro Township Board of Education ("Board") alleging a dispute with the Marlboro Township Teachers Association ("Association") as to the negotiability/arbitrability of the Board's decision to assign a teacher to an extra-curricular activity. The parties agreed to suspend the relevant arbitration proceeding pending a decision on this Petition.

After being unable to find a teacher who would volunteer to serve as yearbook advisor at the Middle School, the Board

assigned language arts teacher Vincent Parrini to that position for the 1979-80 school year. The Association filed a grievance pursuant to its collective negotiations agreement and the grievance was processed up through the Board of Education level. The Association thereafter filed a demand for arbitration concerning the involuntary assignment of Parrini as a yearbook advisor. This petition seeking restraint of arbitration was the Board's response to that request. The parties filed positional statements in this matter, all of which were received by March 25, 1980.

Pursuant to N.J.S.A. 34:13A-5.4(f), the Commission has delegated to its Chairman the authority to issue scope of negotiations decisions when the negotiability of the issue in dispute has been previously determined by the Commission and/or the judiciary.

Recently the Commission has issued several decisions which cover the topic raised herein: In re Bd. of Ed. Mainland Reg. H.S. District, P.E.R.C. No. 80-8, 5 NJPER 301 (¶10162 1979), appeal pending App. Div. Docket No. A-4566-78; In re Ramapo-Indian Hills H.S. District Bd. of Ed, P.E.R.C. No. 80-9, 5 NJPER 302 (¶10163 1979), appeal pending App. Div. Docket No. A-4613-78; In re Montvale Board of Education, P.E.R.C. No. 80-63, 5 NJPER 535 (¶10275 1979) and In re Northvale Board of Education, P.E.R.C. No. 80-79, 6 NJPER 13 (¶11007 1980), appeal pending App. Div. Docket No. A-1590-79. In these decisions the Commission acknowledged the clash between the status of work hours as a term and condition of

employment and the right of a board to assign extra-curricular duties under Ridgefield Park Ed Assn v. Ridgefield Park Bd of Ed, 78 N.J. 144 (1978).

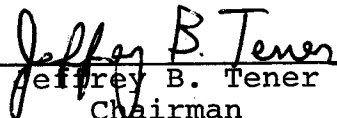
The Commission has consistently determined that boards of education can unilaterally determine extra-curricular assignments, which are illegal subjects of collective negotiations, and need not negotiate the resulting increase in work hours. The Commission did hold that compensation for extra-curricular duties as well as increased workload, to the extent that it was severable from the hours that these activities were to be performed, were mandatorily negotiable.

As presented to the Commission, the Association wishes to arbitrate the decision of the Board to assign the position of yearbook advisor to Vincent Parrini. For the reasons set forth above, we now permanently restrain the Association from proceeding with that arbitration.^{1/}

ORDER

The Marlboro Township Teachers Association IS HEREBY ORDERED to refrain from arbitrating or seeking to arbitrate the decision of the Marlboro Township Board of Education to assign Vincent Parrini to act as the yearbook advisor at the Middle School.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

DATED: Trenton, New Jersey
April 10, 1980

^{1/} We note that compensation for this assignment has already been negotiated by the parties.