

P.E.R.C. NO. 80-121

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HANOVER PARK REGIONAL HIGH SCHOOL  
DISTRICT BOARD OF EDUCATION,

Respondent,

Docket No. CO-79-250-18

-and-

HANOVER PARK REGIONAL EDUCATION  
ASSOCIATION,

Charging Party.

SYNOPSIS

The Commission denies a motion for reconsideration filed by the Association in a case in which the Commission had dismissed a complaint filed by the Association against the Hanover Park Regional High School District Board of Education. In its initial decision, the Commission found that the contract between the parties demonstrated that the Board had met its negotiations obligation regarding merit pay. The motion disputes the Commission's reading of the contract language. The Association's disagreement with the Commission's decision does not constitute "extraordinary circumstances" required for reconsideration.

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Appearances:

For the Respondent, Green, Koenig & Dzwilewski, Esqs.  
(Mr. Jacob Green, of Counsel)

For the Charging Party, Mr. John W. Davis, NJEA UniServ  
Representative

DECISION ON MOTION FOR RECONSIDERATION

The Public Employment Relations Commission issued a Decision and Order, P.E.R.C. No. 80-105, 6 NJPER \_\_\_\_ (¶ \_\_\_\_ 1980) on February 21, 1980 in In re Hanover Park Regional High School District Board of Education. We dismissed in its entirety a complaint filed by the Hanover Park Regional Education Association (the "Association") against the Hanover Park Regional High School District Board of Education (the "Board"). The issue concerned the failure of the Board to award merit increases during the second year of a two year contract between the parties. The Commission, assuming the negotiability of a merit plan and relying upon a provision of the parties' contract and the Board's Merit

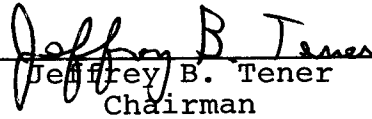
Compensation Policy Statement, which is referred to in the contract, found that the Board had met its negotiations duty regarding this matter. The pertinent sentences of the contract provide that, "An additional stipend shall be added to the attached Salary Guide for those employees who have attained Merit under applicable Board Policy. Proposals for modifications of Board Policy covering Merit shall be referred to the Merit Committee before submission to the Board." The relevant sentence in the Merit Compensation Policy statement is that, "The budgetary amount available to implement this merit compensation plan will be established by the Board of Education."

On March 6, 1980, the Association, pursuant to N.J.A.C. 19:14-8.4, submitted a motion for reconsideration along with a supporting brief. On March 17, 1980, we received a letter brief from the Board opposing the Association's motion.

The Association's motion is denied. The Association disputes our reading of the above-quoted language regarding the merit compensation plan, arguing in effect that funding of the plan by the Board is obligatory rather than discretionary. We simply disagree and do not find that the Association's argument, which we considered in our initial decision, constitutes the "extraordinary circumstances" required in our rules for reconsideration.

Accordingly, the Association's motion for reconsideration is hereby denied.

BY ORDER OF THE COMMISSION

  
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Jeffrey B. Tener  
Chairman

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

DATED: Trenton, New Jersey  
April 3, 1980  
ISSUED: April 7, 1980