

P.E.R.C. NO. 86-116

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EGG HARBOR TOWNSHIP  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-85-44

EGG HARBOR TOWNSHIP  
EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Egg Harbor Township Education Association's motion for reconsideration of a previous Commission decision. The Commission finds that the requisite "extraordinary circumstances" do not exist to warrant reconsideration.

P.E.R.C. NO. 86-116

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EGG HARBOR TOWNSHIP  
BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-85-44

EGG HARBOR TOWNSHIP  
EDUCATION ASSOCIATION,

Respondent.

Appearances:

For the Petitioner, Salvatore Perillo, Esq.

For the Respondent, New Jersey Education Association  
(Eugene J. Sharp, UniServ Representative)

DECISION ON MOTION FOR RECONSIDERATION

On October 17, 1985, the Public Employment Relations Commission restrained binding arbitration of two grievances the Egg Harbor Township Education Association ("Association") had filed against the Egg Harbor Township Board of Education ("Board"). P.E.R.C. No. 86-49, 11 NJPER 692 (¶16239 1985). The first grievance alleged that the Board improperly withheld a teacher's increment. The second grievance alleged that the Board improperly withdrew Lorretta DiDonato's appointment to teach summer school.

On November 6, 1985, the Association moved for reconsideration of the Commission's order restraining arbitration of the DiDonato grievance. It disagrees with the Commission's conclusion that the dispute predominantly involved the Board's

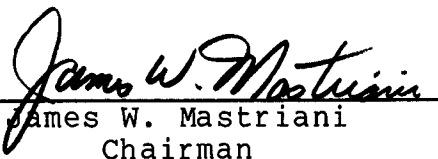
non-negotiable managerial prerogative, upon learning that its budget had been reduced, to layoff DiDonato and to have two other summer school teachers absorb that work. The Association now asserts for the first time that the Board did not in fact save any money because it split the money DiDonato would have received between the other two teachers. It concludes that the Commission should reconsider its decision since it was based on a mistaken finding of a fiscal exigency and should grant an evidentiary hearing pursuant to N.J.A.C. 19:13-3.7.

We deny the motion for reconsideration because the requisite "extraordinary circumstances" are not present. N.J.A.C. 19:14-8.4.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

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

DATED: Trenton, New Jersey  
April 18, 1986  
ISSUED: April 21, 1986