

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FAIR LAWN BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. SN-79-17

FAIR LAWN EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

In a decision on Motion for Reconsideration the Commission denies the Association's motion. The Commission reaffirms its determination that a dispute relating to the appointment of a head football coach was not mandatorily negotiable and accordingly permanently restrained the Education Association from proceeding to arbitration on this matter.

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DECISION ON MOTION FOR RECONSIDERATION

On January 17, 1978, the Public Employment Relations Commission issued a Decision and Order in this matter in which it held that a dispute relating to the appointment of a head football coach was not mandatorily negotiable. Accordingly, we permanently restrained the Fair Lawn Education Association from proceeding to arbitration on this matter. In re Fair Lawn Board of Education, P.E.R.C. No. 79-45, 5 NJPER \_\_\_\_ (¶ 1979).

Thereafter the Association filed a Motion for Reconsideration and a Brief in Support of Motion in accordance with N.J.A.C. 19:13-3.11. In its brief the Association urges our reconsideration based upon the claim that the individual appointed by the Board to serve as head football coach is also employed by the Board as its Athletic Director, a position not included in the unit represented by the Association but in fact included in a separate unit of administrators. The Association argues that our statement<sup>1/</sup> that the head football coach is included in the

1/ Note 2, page 3 of slip opinion.

Association's unit points to a result inconsistent with the Act in that it leads to representation by the Association of supervisors (i.e., Athletic Director) and nonsupervisors in the same unit. Because this would be violative of the Act and our decisions regarding the inclusion of supervisors and nonsupervisors in the same unit, the Association contends that our decision must be reconsidered.

The Association misreads our decision. As stated, we view this dispute as one relating to the appointment of a head football coach. This is not a decision which is within the scope of negotiations and the Board's discretion in this regard is limited only by the regulations of the State Board of Education, N.J.A.C. 6:29-6.3. Our decision does not mean that the person appointed as head football coach is necessarily in the unit except insofar as that person is doing unit work, in this case functioning as head football coach. If, for example, in accordance with N.J.A.C. 6:29-6.3, the Board had selected a person to serve as coach who was not otherwise employed by the Board, i.e., the person taught in another district, then that individual would be included in the unit as a head football coach but not as an employee of another district. The same reasoning applies herein where the individual appointed served the Board in another capacity not represented by the Association: he is represented by the Association as head football coach but not as Athletic Director.

With the above discussion regarding the Association's misreading of our initial decision, we hereby deny the Association's motion for reconsideration.

BY ORDER OF THE COMMISSION

  
Jeffrey B. Tener  
Chairman

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

DATED: Trenton, New Jersey  
March 8, 1979

ISSUED: March 9, 1979