

I.R. NO. 90-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX COUNTY COLLEGE,

Charging Party,

-and-

Docket No. CE-90-14

FRATERNAL ORDER OF POLICE
LODGE NO. 85,

Respondent.

SYNOPSIS

In a matter brought by Middlesex County College, a Commission Designee declines to restrain the Fraternal Order of Police, Lodge No. 85 ("FOP") from invoking the statutory impasse and compulsory interest arbitration procedures. It was found that the Commission is already exercising its authority and judgment in this matter through the Director of Conciliation and Arbitration. Accordingly, it would be redundant for the Commission to exercise its interim relief authority.

I.R. NO. 90-18

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MIDDLESEX COUNTY COLLEGE,

Charging Party,

-and-

Docket No. CE-90-14

FRATERNAL ORDER OF POLICE
LODGE NO. 85,

Respondent.

Appearances:

For the Charging Party
Jackson, Lewis, Schnitzler & Krupman, Esqs.
(Jeffrey J. Corradino, of counsel)

For the Respondent
Markowitz & Richman, Esqs.
(Stephen C. Richman, of counsel)

INTERLOCUTORY DECISION

On February 14, 1990, Middlesex County College ("College") filed an unfair practice charge against the Fraternal Order of Police, Lodge No. 85 ("FOP"). The charge alleges that the FOP violated the New Jersey Employee-Employer Relations Act, N.J.S.A. 34:13A-1 et seq.; specifically, subsections 5.4(a)(5)(sic) when it refused to meet in negotiations, submitted non-negotiable proposals in negotiation and added new proposals to its negotiation demands.

The charge was accompanied by an application for interim relief and an order to show cause. The application sought to restrain the FOP from "attempting to unlawfully invoke and/or use the statutory impasse and compulsory interest arbitration procedures".

The Order was executed and I conducted a hearing on the order on March 22, 1990.


The standards that have been developed by the Commission for evaluating interim relief requests are similar to those applied by the Courts when addressing similar applications. The moving party must demonstrate that it has a substantial likelihood of success on the legal and factual allegations in a final Commission decision and that irreparable harm will occur if the requested relief is not granted. Further, in evaluating such requests for relief, the relative hardship to the parties in granting or denying the relief must be considered.^{1/}

I denied the College's application at the hearing because the harm alleged is not irreparable in nature. The Director of Conciliation and Arbitration oversees the Commission's statutory impasse and interest arbitration procedures. He will invoke these procedures only after his investigation. Here, the FOP first applied for Interest Arbitration over one year ago. At the time, the Director declined to implement interest arbitration or factfinding. He instructed the parties to return to negotiations. It was only after the parties had approximately six negotiations sessions that he appointed a mediator to help resolve the dispute.

^{1/} Crowe v. DeGioia, 90 N.J. 126 (1982); Tp. of Stafford, P.E.R.C. No. 76-9, 1 NJPER 59 (1975); State of New Jersey (Stockton State College), P.E.R.C. No. 76-6, 1 NJPER 41 (1975); Tp. of Little Egg Harbor, P.E.R.C. No. 94, 1 NJPER 36 (1975).

Thus, the Commission is already exercising its authority and judgment in this matter through the Director of Conciliation and Arbitration. Accordingly, it would be redundant for the Commission to exercise its interim relief authority in this matter. Hamilton Tp. Bd. of Ed., D.U.P. No. 80-26, 6 NJPER 275 (¶11130 1980).

The application for interim relief is denied.



Edmund G. Gerber
Commission Designee

Dated: April 4, 1990
Trenton, New Jersey