

I.R. NO. 92-8

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CLIFTON,

Respondent,

-and-

Docket No. CO-91-361

CLIFTON PBA, LOCAL 36,

Charging Party.

SYNOPSIS

The Clifton PBA Local 36 sought reconsideration of I.R. 92-3 on the basis of a change in circumstances. It was found that this change in circumstances was not sufficient to warrant the imposition of an extraordinary remedy prior to a plenary hearing.

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Appearances:

For the Respondent  
Ruderman and Glickman, attorneys  
(Mark S. Ruderman, of counsel)

For the Charging Party  
Schneider, Cohen, Solomon, Leder & Montalbano, attorneys  
(David S. Solomon, of counsel)

INTERLOCUTORY DECISION

This is the third interlocutory decision in this matter brought by Clifton PBA Local 36 ("PBA") against the City of Clifton ("City"). The PBA filed a Motion for Reconsideration of the first decision, I.R. 91-3. In its Application, the PBA claims there are changed circumstances which warrant reconsideration of that first decision; specifically, it states that the municipal budget of the City has been approved by the Department of Community Affairs and claims that the City does not have any other fiscal problems.


In I.R. 92-3, I held that:

The affidavits submitted by the parties raise substantial material and factual disputes about

the motivation of the City. For example, the PBA, by way of affidavit, maintains that the City is not in financial difficulty and is only using the claim of financial difficulty as a pretext for the lay-offs. Affidavits submitted by the City of Clifton state that the New Jersey Department of Community Affairs has not approved the City's Municipal Budget for 1991. Community Affairs claims that the City's budget is 1.2 million dollars over the New Jersey cap law amount and that this affects determinations concerning furloughs, demotions and lay-offs. These disputes can only be resolved after a full hearing. (emphasis supplied)

As can be seen, I cited the City's lack of an approved budget only as an example of the factual dispute.

I do not believe that this change in circumstances is sufficient to warrant the imposition of an extraordinary remedy prior to the full hearing. The Application for Reconsideration is denied.



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Edmund G. Gerber  
Commission Designee

DATED: September 11, 1991  
Trenton, New Jersey