

P.E.R.C. NO. 91-29

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PROSECUTOR OF MIDDLESEX COUNTY,

Respondent,

-and-

Docket No. CO-H-89-355

PBA NO. 214, MIDDLESEX COUNTY  
PROSECUTOR'S DETECTIVES AND  
INVESTIGATORS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Middlesex County Prosecutor's request for a stay of part of P.E.R.C. No. 91-22 pending an appeal to the Appellate Division. The County Counsel asserts that posting a notice, prior to the outcome of the appeal would result in "damage to reputation, loss of authority, and creation of hostility between rank and file." The Commission concludes that the employer has not shown that it is likely to succeed on the merits of its appeal.

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Appearances:

For the Respondent, John J. Hoagland,  
Middlesex County Counsel

For the Charging Party, Zazzali, Zazzali, Fagella &  
Nowak, attorneys (Paul L. Kleinbaum, of counsel)

DECISION AND ORDER

On September 6, 1990, the Middlesex County Prosecutor moved for a stay of part of our order in P.E.R.C. No. 91-22, 16 NJPER \_\_\_\_ (¶\_\_\_\_ 1990). In that decision, we ordered the Prosecutor to: reinstate a credit for prior governmental service for employees represented by PBA No. 214, Middlesex County Prosecutor's Detectives and Investigators; negotiate over any future proposals to rescind the credit; and post a notice that the employer had violated the New Jersey Employer-Employee Relations Act. On September 13, the PBA filed a reply opposing the stay.

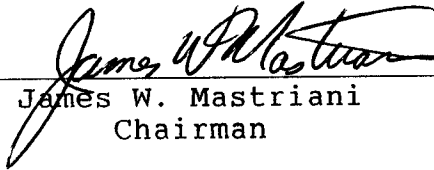
The County Counsel asserts that posting a notice, prior to the outcome of an appeal to the Appellate Division of the Superior Court,

would result in "damage to reputation, loss of authority, and creation of hostility between rank and file." Regardless of any perceived harm caused by posting the notice, the employer has not shown that it is likely to succeed on the merits of its appeal. Therefore, the motion is denied.

ORDER

The motion for a stay is denied.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Smith, Wenzler, Johnson, Ruggiero, Reid and Bertolino voted in favor of this decision. None opposed.

DATED: Trenton, New Jersey  
September 27, 1990  
ISSUED: September 28, 1990