

P.E.R.C. NO. 91-90

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF KEARNY,

Respondent,

-and-

Docket No. CO-H-89-303

KEARNY PBA LOCAL 21,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a request to vacate P.E.R.C. No. 91-42 filed by Kearny PBA Local 21. In that decision, the Commission found that the Town of Kearny did not violate any negotiations obligation when it assigned police officers to perform occasional ambulance duties. Reconsideration was granted to permit oral argument. The Commission finds no basis to disturb its initial determination.

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Appearances:

For the Respondent, Cifelli & Davie, attorneys
(Kenneth P. Davie, of counsel)

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

DECISION AND ORDER

On November 2, 1990, Kearny PBA Local 21 moved for reconsideration of P.E.R.C. No. 91-42, 16 NJPER 591 (¶21259 1990). In that decision we found that the Town of Kearny did not violate any negotiations obligation when it assigned police officers to perform occasional ambulance duties. The PBA's motion claimed that we had failed to consider its timely request for oral argument. On November 7, the Town filed a response opposing reconsideration.

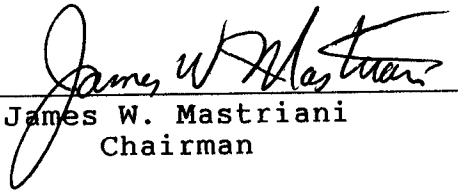
Reconsideration was granted to permit oral argument on March 28, 1991. The parties' arguments focused on testimony of the police chief and the PBA's president concerning the practice of police officers occasionally performing ambulance duties. We have

reviewed that testimony and reaffirm that there is no basis to disturb the Hearing Examiner's factual findings. Our decision found that the Town did not violate the Act when it assigned police officers to perform occasional ambulance duties. Nothing in our decision precludes the PBA from seeking negotiations over such duties in the future.

ORDER

The request to vacate the order in P.E.R.C. No. 91-42 is denied.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Goetting, Johnson, Regan and Wenzler voted in favor of this decision. Commissioners Bertolino and Smith voted against this decision.

DATED: April 19, 1991
Trenton, New Jersey
ISSUED: April 19, 1991