

I.R. NO. 92-17

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER TOWNSHIP BOARD OF FIRE COMMISSIONERS  
FIRE DISTRICT NO. 4,

Respondent,

-and-

Docket No. CO-92-277

CAMDEN COUNTY UNIFORMED FIRE FIGHTERS  
ASSOCIATION - I.A.F.F. LOCAL 3249, AFL-CIO,

Charging Party.

SYNOPSIS

A Commission Designee declines to restrain the Gloucester Township Board of Fire Commissioners Fire District No. 4 from laying off an employee, Keith Kemery. This matter was brought by the Camden County Uniformed Fire Fighters Association - I.A.F.F. Local 3249, AFL-CIO which claimed that the Fire District was motivated by anti-union animus when it announced the lay-off of Mr. Kemery, a highly visible union advocate. The IAFF did not demonstrate that it had a substantial likelihood of succeeding at a full plenary hearing.

I.R. NO. 92-17

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER TOWNSHIP BOARD OF FIRE COMMISSIONERS  
FIRE DISTRICT NO. 4,

Respondent,

-and-

Docket No. CO-92-277

CAMDEN COUNTY UNIFORMED FIRE FIGHTERS  
ASSOCIATION - I.A.F.F. LOCAL 3249, AFL-CIO,

Charging Party.

Appearances:

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

For the Charging Party  
Schlesigner, Mintz, Merovitz & Pilles, attorneys  
(John F. Pilles, Jr., of counsel)

INTERLOCUTORY DECISION

On March 4, 1992, the Camden County Uniformed Fire Fighters Association - I.A.F.F. Local 3249, AFL-CIO, filed an unfair practice charge and Application for Interim Relief with the Public Employment Relations Commission. The charge alleges that the Gloucester Township Board of Fire Commissioners Fire District No. 4, had violated N.J.S.A. 34:13A-1 et seq.; specifically, subsections

5.4(a)(1), (2), (3) and (4)<sup>1/</sup> when it notified Keith Kemery that it intended to lay him off. It was alleged that the Fire District was motivated by anti-union animus in laying off Mr. Kemery, who was a highly visible union advocate.

The Order to Show Cause was executed and made returnable for March 24, 1992. It was subsequently adjourned to April 9, 1992. At that time, the parties had the opportunity to present evidence and argue orally.


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

---

<sup>1/</sup> These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (2) Dominating or interfering with the formation, existence or administration of any employee organization. (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act. (4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act."

relief, the relative hardship to the parties in granting or denying the relief must be considered.<sup>2/</sup>

The allegations brought by the Union are serious in nature but the evidence presented at the hearing does not meet the heavy burden of interim relief. A full plenary hearing is needed. Because of the nature of the charge and allegations, I believe that it is appropriate to have an expeditious hearing on this matter and on this day I am also issuing a Complaint and Notice of Hearing for May 11, 12 and 13, 1992.

  
\_\_\_\_\_  
Edmund G. Gerber  
Commission Designee

DATED: Trenton, New Jersey  
April 24, 1992

---

<sup>2/</sup> 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).