

I.R. NO. 95-24

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TEANECK

Respondent

-and-

Docket No. CO-95-402

TEANECK FIREMEN'S MUTUAL BENEVOLENT
ASSOCIATION LOCAL NO. 42

Charging Party.

Appearances:

For the Respondent, Peckar & Abramson
(Andrea Morganelli, of counsel)

For the Charging Party, Fox & Fox
(Stacey B. Rosenberg, of counsel)

INTERLOCUTORY DECISION

On January 22, 1995, I denied an application for Interim Relief brought by Teaneck Firemen's Mutual Benevolent Association Local No. 42 against the Township of Teaneck. It was alleged that the Township violated the injury leave pay provision of the parties collective negotiations agreement, specifically Article XI, Section C. Local 42 alleges that Local 42 President William Brennan injured his shoulder on the job. He received on-duty pay pursuant to Article IX of the agreement. Brennan returned to duty but was forced to take on duty injury leave to undergo surgery for his injury. Ultimately, Mr. Brennan was told by the Township that he no longer would be able to collect on-duty leave pay and would have to either go on workers' compensation or return to a light duty assignment.

Local 42 alleged that the Township's action toward Mr. Brennan was based on his union advocacy and he was treated differently than other employees who received on-duty leave pay.

The Township introduced affidavits showing that other employees were treated in a similar manner to Brennan and that the contract was not violated.

Local 42 did not show that it had a substantial likelihood of success in proving the Township's actions toward Mr. Brennan were motivated by anti union animus.

This matter will go forward to a plenary hearing.

Edmund G. Gerber
Commission Designee

Dated: June 28, 1995
Trenton, New Jersey