

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Respondent,

-and-

Docket No. CO-86-161

CITY OF ATLANTIC CITY SUPERVISORS  
UNION LOCAL #1

Charging Party.

Appearances:

For the Respondent  
Aron, Salsberg & Rosen, Esqs.  
(Louis Rosen of counsel)

For the Charging Party  
Evelyn Hayes, President

INTERLOCUTORY DECISION AND ORDER

On December 20, 1985, the City of Atlantic City Supervisors Union Local #1 ("Union") filed an unfair practice charge with the Public Employment Relations Commission ("Commission") alleging that the City of Atlantic City ("City:), through its City Administrator, violated §§5.4(a)1, 3, and 5 of the New Jersey Public Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act") when it suspended three employees for violation of a newly enacted modification to the City's residency ordinance although this modification was not negotiated with the Union. The unfair practice charge was

accompanied by a request for interim relief. On December 20, I entered an Interlocutory Order compelling the City of Atlantic City to reinstate the three people named in the Union's charge, Allyn Seel, Vincent Ponzio and Donald Headly, pending the final disposition of this matter before the full Commission.


This is the third of a series of interlocutory decisions involving the City of Atlantic City and employees who were suspended by the City after the implementation of the said modification to the residency requirement. The history of that residency requirement was laid out in the first of these decisions, City of Atlantic City and Teamsters Local 331, I.R. 86-8 (1985). It is, therefore, not necessary to review that history here.

Allyn Seel and Donald Headly had an employment history equivalent to the employees discussed in I.R. 86-8 and I.R. 86-10. Vincent Ponzio was given a specific exemption from the residency ordinance by the City Counsel, yet all three men were suspended without pay.

For reasons set forth in I.R. 86-8, IT IS HEREBY ORDERED that all three of these people be reinstated to their proper positions with the City of Atlantic City.

There has been some confusion in interpreting the interim relief decisions involving City of Atlantic City and Teamsters Local 331, I.R. 86-8 and I.R. 86-10 (1985). To avoid any further confusion, those orders are to be considered make

whole orders and to provide for backpay orders. Similarly, Allyn Seel, Vincent Ponzio and Donald Headly are to be made whole and the City of Atlantic City is to provide back pay under the instant order.

  
Edmund G. Gerber  
Commission Designee

DATED: December 27, 1985  
Trenton, New Jersey