

I.R. NO. 86-16

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ATLANTIC CITY,

Respondent,

-and-

DOCKET NO. CO-86-201

SUPERVISORS ASSOCIATION,
LOCAL 29, RWDSU, AFL-CIO,

Charging Party.

Appearances:

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

For the Charging Party
Loccke & Correia, Esqs.
(Leon B. Savetsky, of counsel)

INTERLOCUTORY DECISION AND ORDER

On January 30, 1986, the Supervisors Association, Local 29 of the R.W.D.S.U. filed an application for an Order to Show Cause for Interim Relief with temporary restraints with the Public Employment Relations Commission ("Commission"). Submitted with the application was an Unfair Practice Charge which alleged that the City of Atlantic City ("City") violated §§ 5.4(a)(1), (3), (5) and (7) of the New Jersey Public Employer-Employee Relations Act,

N.J.S.A. 34:13A-1 et seq. ("Act"),^{1/} when it suspended Jeanne M. Zehringer from her employment as Administrative Secretary to the Coordinator of Emergency Management, Division of Emergency Management, on December 26, 1985. This suspension was for violation of a newly enacted modification to the City's residence ordinance, although this modification was never negotiated with the Union.

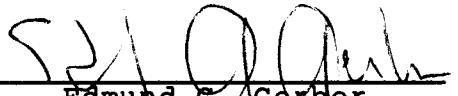
This is a continuation in a series of interlocutory decisions involving the City of Atlantic City and employees who were suspended by the City after the implementation of the said modification to the residency requirement. The history of that residency requirement was laid out in the first of these decisions, City of Atlantic City and Teamsters Local 331, I.R. No. 86-8

1/ 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; (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; (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative; (7) Violating any of the rules and regulations established by the commission."

(1985). It is therefore, not necessary to review that history here.

Jeanne Zehringer has been continuously employed by the City for a period of 38 years. On or about December 18, 1985, Zehringer moved from her home in Atlantic City to a new home in Pleasantville, New Jersey. Her employment history is essentially equivalent to those discussed in previous decisions I.R. No. 86-8, I.R. No. 86-10 and I.R. No. 86-12.

The City does not oppose this application for interim relief. For reasons set forth in I.R. No. 86-8, IT IS HEREBY ORDERED that Jeanne M. Zehringer be reinstated to her position with the City of Atlantic City. Moreover, Ms. Zehringer is to be made whole and the City is to provide back pay for the time she has been suspended.



Edmund G. Gerber
Director

DATED: February 24, 1986
Trenton, New Jersey