

L.D. NO. 95-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of  
CITY OF ATLANTIC CITY,  
Respondent,

-and-

ATLANTIC CITY SUPERVISORS ASSOCIATION, Docket Nos. CO-L-89-75  
LOCAL 29, R.W.D.S.U., AFL-CIO, CO-L-89-77

Charging Party.

-and-

LOCAL 331, INTERNATIONAL BROTHERHOOD OF TEAMSTERS,

Charging Party.

Appearances:

For the Respondent,  
Murray, Murray & Corrigan, attorneys  
(Karen Murray, of counsel)

For the Charging Party - Local 29,  
Loccke & Correia, attorneys  
(Charles E. Schlager, of counsel)

For the Charging Party - Local 331,  
Walter DeTreuX, attorney

DECISION

In the fall of 1988, the Atlantic City Supervisors  
Association, affiliated with Local 29 RWDSU, AFL-CIO ("Local 29") and

International Brotherhood of Teamsters Local 331 ("Local 331") filed amended unfair practice charges with the Public Employment Relations Commission alleging that the City of Atlantic City ("City") violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. by unilaterally changing its residency ordinance, creating certain exemptions to that ordinance and failing to adopt criteria for those exemptions.

The parties initially attempted to resolve the dispute, but when those efforts failed, hearings were conducted in 1992. A hearing examiner's report and recommended decision issued in early 1994 and the cases were transferred to the Commission for review and final decision.

After a lengthy conference in August, 1994, the parties agreed to accept the recommendation of a PERC staff agent for resolution of the majority of residency issues. The need for a Commission decision was therefore eliminated. The parties jointly requested that the remaining issue be submitted to the Commission's Litigation Alternative Program ("LAP"). The parties requested that I issue the LAP decision, and agreed that it will be binding and not subject to appeal.


The sole issue remaining for my decision is the reactivation date for the City's residency requirements. The ordinances have been stayed since December 9, 1988. The decision on when to reactivate the residency ordinances is not made lightly. This dispute is long-standing and residency ordinances are often emotional issues for all parties. I commend the parties for their initiative in resolving

this dispute without further litigation, and their desire to put this issue behind them and remove the attendant uncertainty over when and how the residency requirement shall be applied.

I find that the date for reactivating the City's residency requirement should be the date of the stay - December 9, 1988. The residency issue was the subject of intense discussion among employees, the unions and the City when these charges were filed in the fall of 1988. By the time the stay was issued in December, 1988, prospective employees should have been fully aware that employment by the City would subject them to some kind of residency requirement. I therefore order that all employees who were employed by the City of Atlantic City prior to December 9, 1988 shall be grandfathered for the purposes of residency requirements and not subject to the City's residency ordinance. All employees who were employed by the City on or after December 9, 1988 shall be subject to its residency requirements.

The parties have agreed that the City shall consolidate all existing residency ordinances into one complete residency ordinance. That ordinance shall include a special talents exception, with criteria/guidelines for that exception. The City shall present the redrafted residency ordinance to the unions for their review and suggestions prior to finalization and submission to the City Council. The parties have agreed that the resulting revised ordinance shall be presented to the City Council as soon as practicable, but no later than six months from the date that City Council ratifies the October, 1994 settlement.

Accordingly, I will retain jurisdiction over this matter until passage of the revised residency ordinance.

  
Margaret A. Cotoia  
Commission Designee

DATED: November 1, 1994  
Trenton, New Jersey