

I.R. NO. 89-7

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY, DEPARTMENT
OF VETERANS AFFAIRS & DEFENSE
(MENLO PARK SOLDIERS HOME),

Respondent,

-and-

Docket No. CO-H-88-159

AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL EMPLOYEES,
COUNCIL 1,

Charging Party.

SYNOPSIS

A Commission designee denies interim relief on a request by AFSCME to restrain the State's implementation of a change in the work week schedule. The State had altered the every other weekend off schedule of certain employees represented by AFSCME. AFSCME argued that the employer's actions repudiated the parties' collective agreement; the employer argued to the contrary that its actions were protected by the collective agreement. The Commission designee found that AFSCME had not demonstrated a substantial likelihood of success on the merits, thus, the application for interim relief was denied.

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Appearances:

For the Charging Party, Szaferman, Lakind, Blumstein,
Watter & Blader (Sidney H. Lehmann, of counsel)

For the Respondent, W. Cary Edwards, Attorney General
(Richard D. Fornaro, D.A.G.)

INTERLOCUTORY DECISION

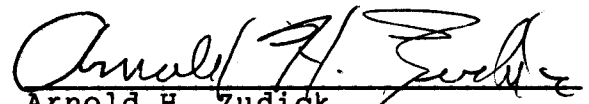
On September 28, 1988 the American Federation of State,
County and Municipal Employees, Council 1 ("AFSCME") filed a second
amendment to the above unfair practice charge, accompanied by an
Application for Interim Relief and a request for temporary
restraints. AFSCME alleged that the State of New Jersey ("State")
repudiated the parties' collective agreement by changing the every
other weekend off schedule for certain employees at the Menlo Park
Soldiers Home, allegedly in violation of subsections 5.4(a)(1), (2),
(3), (4) and (5) of the New Jersey Employer-Employee Relations Act,
N.J.S.A. 34:13A-1 et seq.

The State denied that it repudiated the agreement and argued that its actions were authorized by the agreement.

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.^{1/}

A hearing on the request for temporary restraints was conducted on September 30, 1988. The standards for granting interim relief were not met at that time and the request was denied.

A show cause hearing was conducted on October 6, 1988. After a full hearing I found that AFSCME did not meet all the required standards for granting interim relief. Accordingly, the Application for Interim Relief is denied.


Arnold H. Zudick
Commission Designee

DATED: October 12, 1988
Trenton, New Jersey

^{1/} 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).