

P.E.R.C. NO. 78-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Respondent,

-and-

Docket No. CO-77-146-138

UNITED STEELWORKERS OF AMERICA,
DISTRICT NO. 9,

Charging Party.

SYNOPSIS

In the absence of exceptions filed by either party, the Commission adopts the findings of fact and conclusions of law contained within the Hearing Examiner's Recommended Report and Decision in an unfair practice proceeding. The Hearing Examiner found, and the Commission affirms, that based upon the totality of conduct of the Township in the collective negotiations conducted by the parties, the Township did not engage in bad faith negotiations and therefore did not violate the provisions of N.J.S.A. 34:13A-5.4(a)(1) and (a)(5) of the Act. The Commission therefore concludes that the Complaint must be dismissed.

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Appearances:

For the Respondent, Gerald L. Dorf, P.A.
(Mr. David A. Wallace, Esq.)

For the Charging Party, Rothbard, Harris & Oxfeld, Esqs.
(Ms. Nancy I. Oxfeld, Esq.)

DECISION AND ORDER

An Unfair Practice Charge was filed with the Public Employment Relations Commission on December 2, 1976 by the United Steelworkers of America, District No. 9 (hereinafter the "Charging Party" or the "Union"), alleging that the Township of Parsippany-Troy Hills (hereinafter the "Respondent" or the "Township") had engaged in unfair practices within the meaning of the New Jersey Employer-Employee Relations Act, as amended, N.J.S.A. 34:13A-1 et seq. (hereinafter the "Act"), in that the Township refused to negotiate at the times and places set by both parties for negotiations and in that the Township delayed unreasonably in starting negotiations after the certification of the Union. There was also an independent allegation that the Township posted a notice which pressured employees not to join the Union.^{1/} The foregoing were alleged to be violations of

1/ At the Hearing on July 28, 1977 this allegation was deleted from the Charge.

N.J.S.A. 34:13A-5.4(a)(1) and (5) of the Act.^{2/}

It appearing that the allegations of the Charge, if true, may constitute unfair practices within the meaning of the Act, a Complaint and Notice of Hearing was issued on June 30, 1977.

Pursuant to the Complaint and Notice of Hearing, hearings were held before Alan R. Howe, Hearing Examiner of the Commission, on July 28, 1977 and August 9, 1977 at which time the parties were given the opportunity to examine witnesses, present evidence and argue orally.^{3/} Post-hearing briefs were submitted simultaneously by the parties on October 26, 1977. On November 9, 1977 the Hearing Examiner issued his Recommended Report and Decision, which Report included findings of facts and conclusions of law and a recommended order. The original of the Report was filed with the Commission and copies were served upon all parties. A copy is attached hereto and made a part hereof. (H.E. No. 78-12, 3 NJPER ____ (1977).

Neither party has filed exceptions to the Hearing Examiner's Recommended Report and Decision. See N.J.A.C. 19:14-7.3.

^{2/} These subsections prohibit 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. (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."

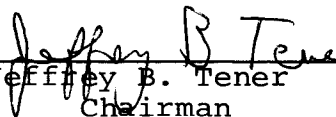
^{3/} Respondent's Motion to Dismiss, made at the conclusion of the Union's case, was denied.

Upon careful consideration of the entire record herein, the Commission adopts the findings of fact and conclusions of law rendered by the Hearing Examiner substantially for the reasons cited by him. The Commission therefore finds and determines that based upon the totality of conduct of the Township in the collective negotiations conducted by the parties hereto, the Township did not engage in bad faith negotiations and therefore did not violate the provisions of N.J.S.A. 34:13A-5.4(a)(1) and (5) of the Act.

ORDER

For the reasons hereinbefore set forth, the Commission adopts the aforementioned Hearing Examiner's Recommended Order and hereby dismisses the Complaint in its entirety.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

Chairman Tener, Commissioners Forst, Hipp, Hartnett, Hurwitz and Parcels voted for this decision. None opposed.

DATED: Trenton, New Jersey
December 20, 1977
ISSUED: December 21, 1977