

P.E.R.C. NO. 97-96

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF FAIRVIEW,

Respondent,

-and-

Docket No. CO-97-206

FAIRVIEW LOCAL 45 (FAIRVIEW UNIT),

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Fairview's request for reconsideration and a stay of a Commission designee's order that the Borough restore weekly paychecks to employees represented by Fairview Local 45 (Fairview Unit). The Commission finds that no extraordinary circumstances warrant review of the designee's interim relief determination.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Respondent, Giblin & Giblin, attorneys
(John L. Schettino, of counsel)

For the Charging Party, Loccke & Correia P.A., attorneys
(Joseph Licata, of counsel)

DECISION AND ORDER

On February 5, 1997, the Borough of Fairview requested special permission to appeal and a stay of I.R. No. 97-13, 23 NJPER ____ (¶____ 1997). In that decision, a Commission designee ordered the employer to restore weekly paychecks to employees represented by Fairview Local 45 (Fairview Unit).

Interim relief decisions are final decisions with respect to the application for interim relief. N.J.A.C. 19:14-9.5. Such decisions may be reviewed only by way of a motion for reconsideration filed pursuant to N.J.A.C. 19:14-8.4. Such motions will be granted only in extraordinary circumstances.

We will treat the employer's request as a motion for reconsideration. The charging party opposes the motion and asks

us to seek an order of enforcement of I.R. No. 97-13 in the Superior Court.

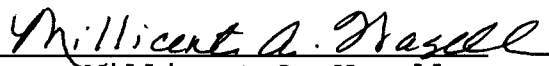
The employer asserts that our designee did not properly consider the parties' collective negotiations agreement or the relationship between changing the pay period and its decision to subcontract the position of payroll clerk. The employer also asserts that the designee did not properly evaluate the parties' arguments on irreparable harm or the hardship to the employer in granting relief.

No extraordinary circumstances warrant our review of the designee's interim relief determination. In accordance with well-established case law, the designee ordered the employer to restore the status quo concerning the timing of paychecks pending successor contract negotiations. Accordingly, we deny the motions for reconsideration and for a stay. Having denied those motions, we expect the employer to comply with our designee's order.

ORDER

The motions for reconsideration and for a stay are denied.

BY ORDER OF THE COMMISSION


Millicent A. Wasell
Chair

Chair Wasell, Commissioners Boose, Buchanan, Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed.

DATED: February 27, 1997
Trenton, New Jersey
ISSUED: February 28, 1997