

P.E.R.C. NO. 99-37

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-99-40

FOP LODGE NO. 12 and
SUPERIOR OFFICERS ASSOCIATION,

Charging Parties.

SYNOPSIS

The Public Employment Relations Commission denies the request of the City of Newark for reconsideration of a Commission designee's decision granting interim relief. FOP Lodge No. 12 and the Superior Officers Association requested interim relief pending final resolution of an unfair practice charge they filed against the City. The designee restrained the City from implementing any portion of a Memorandum that would modify an earlier General Order but refused to restrain the City from assigning the police director's chief of staff to serve as one of the City's hearing officers in disciplinary appeals. The Commission finds that no extraordinary circumstances have been presented to warrant reconsideration.

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.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,

Respondent,

-and-

Docket No. CO-99-40

FOP LODGE NO. 12 and
SUPERIOR OFFICERS ASSOCIATION,

Charging Parties.

Appearances:

For the Respondent, Michelle Hollar-Gregory, Corporation Counsel (Phillip R. Dowdell, Assistant Corporation Counsel)

For the Charging Parties, Markowitz & Richman, attorneys (Stephen C. Richman, of counsel)

DECISION

On September 23, 1998, the City of Newark moved for reconsideration of I.R. No. 99-5, 24 NJPER ____ (¶____ 1998). In that decision, a Commission designee restrained the City from implementing any portion of Police Director Memorandum 98-919 that would modify General Order 93-2. The designee refused to restrain the City from assigning the police director's chief of staff to serve as one of the City's hearing officers in disciplinary appeals. The request for interim relief pending final resolution of an unfair practice charge was brought by FOP Lodge 12 and the Superior Officers Association.

The City mistakenly denominates its request as a request for special permission to appeal. We nevertheless will consider the request as a motion for reconsideration. In its motion, the City states that it does not want to be restrained from

establishing the days and times of disciplinary hearings. The Director's memorandum provides that beginning July 15, 1998, backlogged discipline cases will be heard on Mondays and Tuesdays from 9:00 a.m. to 4:00 p.m. and Wednesdays and Thursdays from 4:00 p.m. to 8:00 p.m.

The charging party opposes reconsideration. It argues that the City has not set forth extraordinary circumstances warranting reconsideration nor do any such circumstances exist. It does not address the City's concern about the days and times of disciplinary hearings.

We deny reconsideration. Interim relief decisions are issued by Commission designees who stand in the Commission's shoes. Those decisions will not be reconsidered by the full Commission absent extraordinary circumstances not present here. The interim relief order does not expressly address the hours and days of disciplinary hearings and the City has not explained how any portions of that order would interfere with such scheduling.

ORDER

Reconsideration is denied.

BY ORDER OF THE COMMISSION


Millicent A. Wasell
Chair

Chair Wasell, Commissioners Boose, Buchanan, and Ricci voted in favor of this decision. None opposed. Commissioner Finn abstained from consideration. Commissioners Klagholz and Wenzler were not present.

DATED: October 26, 1998
Trenton, New Jersey
ISSUED: October 27, 1998