

P.E.R.C. NO. 96-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PERTH AMBOY,

Petitioner,

-and-

Docket No. SN-96-22

PERTH AMBOY SUPERIOR OFFICERS
ASSOCIATION, FOP LODGE NO. 80,

Respondent.

Appearances:

For the Petitioner, Fogarty & Hara, attorneys
(Rodney T. Hara, of counsel)

For the Respondent, S.M. Bosco Associates
(Simon M. Bosco, labor relations specialist)

DECISIONS AND ORDER

On August 29, 1995, the City of Perth Amboy petitioned for a scope of negotiations determination. The City seeks a restraint of binding arbitration of two grievances filed by the Perth Amboy Superior Officers Association, FOP Lodge No. 80. The grievances contest reprimands issued to a police lieutenant and a sergeant accusing them of improper supervision.

The parties have filed briefs and exhibits. These facts appear.

The City is a Civil Service community. Lodge No. 80 represents the City's superior police officers. The parties' negotiated grievance procedure ends in binding arbitration of contractual disputes.

P.E.R.C. NO. 96-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF PERTH AMBOY,

Petitioner,

-and-

Docket No. SN-96-22

PERTH AMBOY SUPERIOR OFFICERS
ASSOCIATION, FOP LODGE NO. 80,

Respondent.

SYNOPSIS

The Public Employment Relations Commission restrains binding arbitration of a two grievances filed by the Perth Amboy Superior Officers Association, FOP Lodge No. 80 against the City of Perth Amboy. The grievances contest reprimands issued to a police lieutenant and a sergeant accusing them of improper supervision. The Commission holds that State v. State Troopers Fraternal Ass'n, 134 N.J. 393 (1993), and recent cases applying that decision preclude binding arbitration of the merits of any disciplinary determinations involving a police officer.

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.

Gary Coghlan is a lieutenant and William Iadonisi is a sergeant. On August 26, 1994, Coghlan served as watch commander on the 5:00 p.m. to 3:00 a.m. shift and Iadonisi served as watch commander on the 10:00 p.m. to 8:00 a.m. shift. They received reprimands for alleged improper supervision during those shifts.

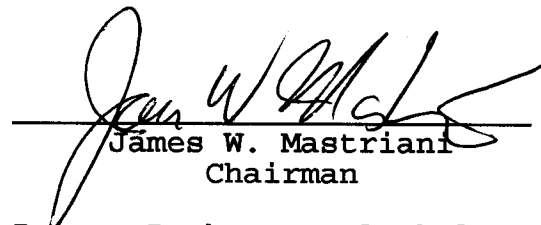
FOP Lodge No. 80 filed grievances contesting the reprimands as arbitrary and capricious and lacking specific factual support. The grievances were denied and Lodge No. 80 demanded arbitration. This petition ensued.

State v. State Troopers Fraternal Ass'n, 134 N.J. 393 (1993), and our recent cases applying that decision preclude binding arbitration of the merits of any disciplinary determinations involving a police officer. See, e.g., Hudson Cty., P.E.R.C. No. 95-69, 21 NJPER 153 (126092 1995), app. pending App. Div. Dkt. No. A-4698-94T1. We accordingly restrain binding arbitration.

ORDER

The request of the City of Perth Amboy for a restraint of binding arbitration is granted.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Boose, Buchanan, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioner Finn abstained from consideration.

DATED: January 19, 1996
Trenton, New Jersey
ISSUED: January 19, 1996