

P.E.R.C. NO. 96-38

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

TOWNSHIP OF UNION,

Public Employer,

-and-

Docket No. RO-93-16

NEW JERSEY STATE LAW ENFORCEMENT
OFFICERS ASSOCIATION, LOCAL 7,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission sustains the dismissal of a representation petition filed by the New Jersey State Law Enforcement Officers Association, Local 7. The Association seeks to represent special police officers employed by the Township of Union. The Commission finds that the only work special police now perform for the Township is uncompensated town duty. In that capacity, the special police are volunteers and not employees within the meaning of the New Jersey Employer-Employee Relations Act.

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 Matters of

TOWNSHIP OF UNION,

Public Employer,

-and-

Docket No. RO-93-16

NEW JERSEY STATE LAW ENFORCEMENT
OFFICERS ASSOCIATION, LOCAL 7,

Petitioner.

Appearances:

For the Public Employer, Apruzzese, McDermott, Mastro & Murphy, attorneys (James L. Plosia, Jr., of counsel)

For the Petitioner, Markowitz & Richman, attorneys (Stephen C. Richman, of counsel; Deanna L. Forbush, on the request for review)

DECISION AND ORDER

On July 28, 1992, the New Jersey State Law Enforcement Officers Association, Local 7 petitioned to represent approximately 21 special police officers employed by the Township of Union (RO-93-16).^{1/} The Township refused to consent to a representation election. On March 7, 1994, the Director conducted a hearing.

On November 7, 1994, the Director dismissed the petition. D.R. No. 95-9, 21 NJPER 14 (¶26008 1994). He found that the only Township work the special police do is uncompensated "town duty" and thus they are volunteers and not public employees. While the

^{1/} On that same date, the New Jersey State Law Enforcement Officers Association, Local 60 petitioned to represent

special police also performed "jobs-in-blue" duties for private or public entities, the Director concluded that the Commission lacked jurisdiction since we found that the Township and the respective subscribers were joint public-private employers.

The petitioner requested review. It contended that the Director erred in finding that the Township and the subscribers were joint employers and asserted that, in any event, some subscribers were public employers subject to our jurisdiction. The Township filed an opposing brief contending that the Director's decision was factually accurate and legally sound.

The Township has submitted a copy of a directive from the police chief prohibiting special police from working jobs-in-blue because they are not permitted to carry firearms when being paid directly by a jobs-in-blue subscriber. As a result of the directive, special police are no longer working any jobs-in-blue. The only work special police now perform is uncompensated town duty. In that capacity, the special police are volunteers and not employees within the meaning of the Act. Accordingly, we sustain the Director's dismissal of the petition.


1/ Footnote Continued From Previous Page

approximately nine special police superior officers employed by the Township (RO-93-17). The Township subsequently abolished the superior officer titles and the former superior officers now hold special police titles. Accordingly, the Director of Representation dismissed the superior officer petition. That action has not been contested.

ORDER

The dismissal of the petition is sustained.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Boose, Buchanan, Finn, Ricci and Wenzler voted in favor of this decision. Commissioner Klagholz was not present.

DATED: November 27, 1995
Trenton, New Jersey
ISSUED: November 28, 1995