

P.E.R.C. NO. 89-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RIVER EDGE,

Petitioner,

-and-

Docket No. SN-88-76

PBA LOCAL 201,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of River Edge's motion to reconsider P.E.R.C. No. 89-44, 14 NJPER 684 (¶19289 1988). In that case, the Commission denied a request for a restraint of binding arbitration of a grievance alleging that the Borough improperly implemented a salary holdback program. The Borough simply reiterates its argument that N.J.S.A. 4A:5-16 preempts arbitration. The Commission has already rejected that argument and this motion does not present any extraordinary circumstances why the Commission should reconsider its holding.

P.E.R.C. NO. 89-68

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RIVER EDGE,

Petitioner,

-and-

Docket No. SN-88-76

PBA LOCAL 201,

Respondent.

Appearances:

For the Petitioner, Ruderman & Glickman  
(Mark S. Ruderman, of counsel)

For the Respondent, Alfred G. Osterweil, Esq.

ORDER ON MOTION FOR RECONSIDERATION

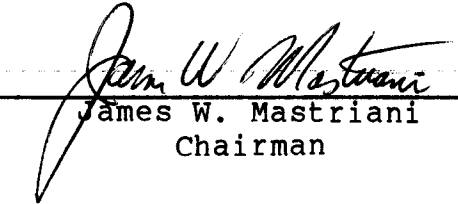
On November 15, 1988, the Borough of River Edge ("Borough") moved for reconsideration of P.E.R.C. No. 89-44, 14 NJPER 684 (¶19289 1988) where we denied a request for a restraint of binding arbitration of a grievance alleging that the Borough improperly implemented a salary holdback program. On November 17, PBA Local 201 ("PBA") filed a reply opposing reconsideration.

The Borough simply reiterates its argument that N.J.S.A. 40A:5-16 preempts arbitration. We have already rejected that argument and a Hearing Examiner's contrary dictum in Essex Cty., H.E. 88-35, 14 NJPER 113 (¶19043 1988), mod. 14 NJPER 403 (¶19159 1988). This motion does not present any extraordinary circumstances why we should reconsider our holding.

ORDER

The Borough's motion for reconsideration is denied.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Bertolino, Reid, Smith and Wenzler voted in favor of this decision. None opposed. Commissioner Johnson was not present.

DATED: Trenton, New Jersey  
December 19, 1988  
ISSUED: December 20, 1988