

P.E.R.C. NO. 85-42

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. SN-84-106

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, LOCAL NO. 723,

Respondent.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, restrains binding arbitration of a grievance that the International Brotherhood of Teamsters, Local No. 723 has filed against the County of Essex. The grievance alleged that the County violated the parties' collective negotiations agreement when it transferred an assistant field office supervisor from one field office to another.

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Appearances:

For the Petitioner, David H. Ben-Asher, Essex County
Counsel (Elaine K. Hyman, Assistant County Counsel)

For the Respondent, Goldberger & Finn, Esqs.
(Howard Goldberger, of Counsel)

DECISION AND ORDER

On May 8, 1984, the County of Essex ("County") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. The petition sought to restrain binding arbitration of a grievance which the International Brotherhood of Teamsters, Local No. 723 ("Local No. 723") has filed against the County. The grievance alleged that the County violated the parties' collective negotiations agreement when it transferred Elizabeth Battle, an assistant field office supervisor, from one field office to another.

The County has filed briefs and documents. The following facts appear.

Local No. 723 represents supervisory employees within the County's Division of Welfare. The County and Local No. 723 entered a collective negotiations agreement effective from July 1,

1981 through June 30, 1983. That agreement contains a grievance procedure culminating in binding arbitration. Article XIII, entitled Transfer of Personnel, provides:

- A. The administrative decision is to be based upon the needs of the County Welfare Division. Insofar as possible and practicable personnel will be transferred on a seniority basis.

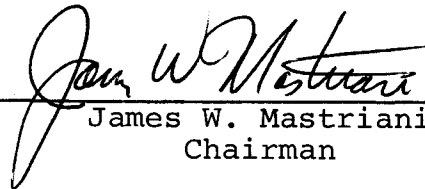
Elizabeth Battle is an assistant field office supervisor in the County's Division of Welfare. Prior to July, 1983, she was assigned to Field Office 6. In July, 1983, the County merged Field Office 6 with Field Office 5. Battle was then transferred to the Food Stamp Office.

Battle filed a grievance claiming that her transfer violated Article XIII. The County denied this grievance; Local 723 demanded binding arbitration; and the instant petition ensued.^{1/}

Pursuant to N.J.S.A. 34:13A-6(f), the full Commission has delegated authority to me to apply well-settled case law to this case. Doing so, I must restrain binding arbitration of this grievance. See In re Local 195, IFPTE v. State, 88 N.J. 393 (1978) and Ridgefield Park Ed. Ass'n v. Ridgefield Park Bd. of Ed., 78 N.J. 144 (1978).

ORDER

The County's request for a restraint of binding arbitration is granted.


James W. Mastriani
Chairman

DATED: Trenton, New Jersey
October 19, 1984

^{1/} The County requested and received a restraint of arbitration pending the issuance of this determination. I.R. No. 84-10, 10 NJPER 314 (¶14150 1984).