

P.E.R.C. NO. 82- 86

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF ROCKAWAY,

Respondent,

-and-

Docket No. CO-81-222-180

MORRIS COUNCIL NO. 6, NEW  
JERSEY CIVIL SERVICE ASSOCIATION,

Charging Party.

SYNOPSIS

The New Jersey Public Employment Relations Commission denies reconsideration of its dismissal of a Complaint issued on an unfair practice charge filed by Morris Council No. 6, New Jersey Civil Service Association against the Township of Rockaway, P.E.R.C. No. 82-72, 8 NJPER \_\_\_\_ (¶ \_\_\_\_ 1982).

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Appearances:

For the Respondent, Wiley, Malehorn & Sirota  
(Jeffrey E. Michaelson, of Counsel)

For the Charging Party, Fox and Fox  
(David I. Fox, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On February 10, 1982, the Public Employment Relations Commission dismissed a Complaint issued on an unfair practice charge filed by Morris Council No. 6, New Jersey Civil Service Association ("Council No. 6") against the Township of Rockaway (the "Township"), P.E.R.C. No. 82-72, 8 NJPER \_\_\_\_ (¶ \_\_\_\_ 1982). The charge, as amended, alleged that the Township violated subsections N.J.S.A. 34:13A-5.4(a)(1), (2), (3), (5), (6) and (7) of the New Jersey Employer-Employee Relations Act,<sup>1/</sup> when it submitted

<sup>1/</sup> These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act; (2) Dominating or interfering with the formation, existence or administration of any employee organization; (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act; (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning  
(continued)

the tentative collective agreements covering four units of Township employees to the employee representatives of Council No. 6's negotiating team in each unit, but failed to submit them to the attorney and the president of Council No. 6 for execution. Council No. 6 did not challenge the validity of the agreements reached; instead, it conceded that the agreements had been received by the time of the hearing, and that the agreements were acceptable and would be executed after the conclusion of the case. The Commission concluded that although a technical violation of subsection (a)(5) of the Act occurred, the exercise of its remedial authority at this time would not be appropriate or beneficial for the reasons set forth in our decision.

On February 26, 1982, Council No. 6 filed a Motion for Reconsideration and an accompanying memorandum. Council No. 6 asserts that the Commission should reconsider its decision and: (1) order future compliance with the Township's obligation to negotiate only with duly authorized representatives of Council No. 6, (2) grant Council No. 6's application for costs stemming from the Township's absence at the first day of hearing,<sup>2/</sup> and (3) find that the issues are not moot. On March 8, 1982, the Township filed a brief opposing reconsideration.

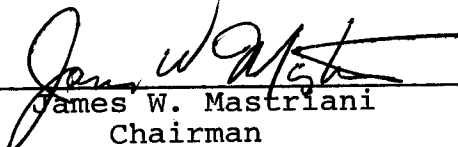
1/ (continued)

terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative; (6) Refusing to reduce a negotiated agreement to writing and to sign such agreement; and (7) Violating any of the rules and regulations established by the commission."

2/ Council No. 6 incorrectly contends that we did not consider its application in our original decision. In fact, we considered and rejected its application (Slip opinion at p. 6, n. 6).

We have reviewed Council No. 6's submissions and find no issues which were not considered and decided in our initial decision. Accordingly, we deny the Motion for Reconsideration.

BY ORDER OF THE COMMISSION

  
\_\_\_\_\_  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Butch, Graves, Hartnett, Hipp, Newbaker and Suskin voted in favor of this decision. None opposed.

DATED: Trenton, New Jersey  
March 9, 1982  
ISSUED: March 10, 1982