

P.E.R.C. NO. 2000-80

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

STATE OF NEW JERSEY (DIVISION OF
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-26

STATE TROOPERS NON-COMMISSIONED
OFFICERS ASSOCIATION,

Respondent.

STATE OF NEW JERSEY (DIVISION OF
STATE POLICE),

Petitioner,

-and-

Docket No. SN-2000-27

STATE TROOPERS FRATERNAL
ASSOCIATION OF NEW JERSEY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the State Troopers Non-Commissioned Officers Association and the State Troopers Fraternal Association for reconsideration of P.E.R.C. No. 2000-61. In that decision, the Commission restrained arbitration over the decision of the State of New Jersey (Division of State Police) to hold promotions in abeyance pending the completion of internal investigations. The Commission concludes that the Associations have not presented any extraordinary circumstances warranting reconsideration.

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.

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Appearances:

For the Petitioner, John J. Farmer, Jr., Attorney General
(Sally Ann Fields, Senior Deputy Attorney General, on the
brief)

For the Respondent, Loccke & Correia, P.A., attorneys
(Joseph Licata, on the brief)

DECISION

On February 10, 2000, the State Troopers Non-Commissioned
Officers Association and the State Troopers Fraternal Association
of New Jersey moved for reconsideration of P.E.R.C. No. 2000-61,

26 NJPER 98 (¶31040 2000). In that decision, we restrained arbitration over the decision of the State of New Jersey (Division of State Police) to hold promotions in abeyance pending the completion of internal investigations. The employer opposes reconsideration.

The Associations argue that we did not apply the established scope of negotiations framework to all the issues sought to be arbitrated and failed to adequately explain our conclusion that the "absence of a pending internal affairs investigation was not the functional equivalent of the State employer's application of an unannounced promotional criterion."

The employer responds that the Associations have not set forth any extraordinary circumstances warranting reconsideration or specified any evidence in the record upon which it relies.


P.E.R.C No. 2000-61 holds that requiring the employer to permanently promote employees under investigation would unduly encroach on the employer's prerogative to make promotional decisions. Accordingly, arbitration was restrained over the decision to hold promotions in abeyance pending the completion of internal investigations. Severable breach of contract issues, such as claims for compensation for officers who have been serving in an acting capacity in higher ranks, were not the subject of the employer's petitions and were not addressed in our order restraining arbitration over the substantive decision to hold promotions in abeyance.

The Associations have not presented any extraordinary circumstances warranting reconsideration. N.J.A.C. 19:13-3.11. Accordingly, the motion is denied.

ORDER

Reconsideration is denied.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners McGlynn, Muscato, Ricci and Sandman voted in favor of this decision. Commissioners Buchanan and Madonna voted against this decision.

DATED: April 27, 2000
Trenton, New Jersey
ISSUED: April 28, 2000