

P.E.R.C. NO. 83-140

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF HARRISON,

Respondent,

-and-

Docket No. CO-80-233-101

HARRISON FIREMEN'S BENEVOLENT
ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies reconsideration of a decision, P.E.R.C. No. 83-114, in which it found that the Town of Harrison committed an unfair practice when it unilaterally altered employee vacation schedules. The Commission, however, deletes that portion of its order requiring that the Town post a notice of the violation since, under all the circumstances of the case, posting a notice would not effectuate the purposes of the Act.

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Appearances:

For the Respondent, Murray & Granello, Esqs.
(James P. Granello, of Counsel)

For the Charging Party, Schneider, Cohen, Solomon
& DiMarzio, Esqs. (David Solomon, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On February 17, 1983, the Public Employment Relations Commission issued a decision holding that the Town of Harrison violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4(a)(1) and (5),^{1/} when, without negotiating first with the Harrison Firemen's Benevolent Association, it altered its firefighters' vacation schedules. P.E.R.C. No. 83-114, 9 NJPER ____ (¶ ____ 1983). The Commission dismissed all other portions of the multi-faceted Complaint. The Town now asks us to reconsider our decision to

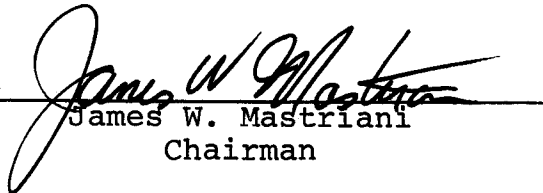
^{1/} These subsections prohibit public employers, their representatives or agents from: "(1) [I]nterfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act; and (5) [R]efusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative."

the extent we found an unfair practice or, in the alternative, to the extent we ordered a notice be posted. We have reviewed the Town's submission and do not find the extraordinary circumstances necessary to justify reconsideration of our finding that the Town committed an unfair practice. We will, however, reconsider our order that a notice be posted since, under all the circumstances of this case, it does not appear that a notice would effectuate the purposes of the Act.

ORDER

The Motion for Reconsideration is denied except to the extent that the Town of Harrison asks the Commission to reconsider its order that the Town post a notice of its violation. Paragraph B.2 of the Commission's original order is vacated.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

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

DATED: Trenton, New Jersey
April 19, 1983
ISSUED: April 20, 1983