

P.E.R.C. NO. 96-72

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF RAHWAY,

Appellant,

-and-

Docket No. IA-95-147

RAHWAY SUPERIOR FIRE  
OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Acting Chair of the Public Employment Relations Commission dismisses the City of Rahway's appeal of an interest arbitration award involving the City and the Rahway Superior Fire Officers Association. The Police and Fire Public Interest Arbitration Reform Act, P.L. 1995, c. 425, grants the Commission jurisdiction to entertain appeals of arbitration awards issued under the new statute. However, applying the holding in Hudson Cty., P.E.R.C. No. 96-71, 22 NJPER \_\_\_\_ (¶\_\_\_\_ 1996), the Acting Chair finds that the Commission does not have jurisdiction over this appeal which was decided under the pre-amendment statutory criteria.

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 Appellant, Genova, Burns, Trimboli & Vernoia,  
attorneys (Stephen E. Trimboli, of counsel)

DECISIONS AND ORDER

The Police and Fire Public Interest Arbitration Reform Act P.L. 1995, c. 425, was signed into law on January 10, 1996. Under the predecessor statute, all actions to confirm, modify, or vacate an interest arbitration award were within the jurisdiction of the trial division of the Superior Court. The Commission had no power to review such awards and no role to play in such proceedings. Under the new statute, N.J.S.A. 34:13A-16(f)(5)(a) grants the Commission jurisdiction to entertain appeals of awards "on the grounds that the arbitrator failed to apply the criteria specified in subsection g. of this section or violated the standards set forth in N.J.S.A. 2A:24-8 or N.J.S.A. 2A:24-9." The new statute applies to police and fire negotiations except those formal arbitration proceedings in which the arbitrator has, prior to January 10, 1996, taken testimony from the parties.

On April 15, 1996, the City of Rahway filed an appeal of an interest arbitration award issued on March 24, 1996. Formal arbitration hearings commenced on October 6, 1995 and were conducted under the standards and procedures set forth in the predecessor statute.

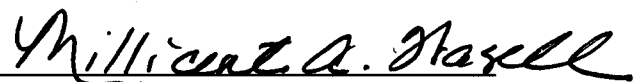
In Hudson Cty., P.E.R.C. No. 96-71, 22 NJPER \_\_\_\_ (\_\_\_\_ 1996), the Commission held that it does not have jurisdiction over appeals of awards where the arbitration was conducted under the predecessor statute and the arbitrator issued an award applying the pre-amendment statutory criteria. Acting pursuant to authority granted to me by the full Commission, I apply the holding in Hudson and dismiss this appeal.

Denial of jurisdiction at this time does not prejudice the City's ability to file an appeal in the Superior Court.

ORDER

The appeal of IA-95-147 is dismissed.

BY ORDER OF THE COMMISSION



Millicent A. Wasell  
Acting Chair

DATED: April 30, 1996  
Trenton, New Jersey