

STATE OF NEW JERSEY
BEFORE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY POLICE
DEPARTMENT LAYOFFS,

Respondent,

-and-

PBA LOCALS 51 & 51A,

Petitioners.

OAL DOCKET NO.
CSV 9166-97

COUNTY OF HUDSON,

Respondent,

-and-

PBA LOCALS 51 & 51A,

Charging Party.

PERC DOCKET NOS.
CO-H-97-58 and
CO-H-97-59

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2004-14 filed by the County of Hudson. In that decision, the Commission remanded a consolidated matter to an Administrative Law Judge to issue findings of fact and conclusions of law on whether the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by transferring unit work to non-unit employees of the same public employer and whether the employer laid off union employees represented by PBA Locals 51 and 51A in retaliation for the exercise of rights protected by the Act. The Commission concludes that there are no 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.

P.E.R.C. NO. 2004-39

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Appearances:

For the Charging Party, Cohen, Leder, Montalbano &
Grossman, attorneys (Bruce D. Leder, of counsel)

For the Respondent, Scarinci & Hollenbeck, attorneys
(Sean D. Dias, of counsel, Karen L. Sutcliffe, on the
brief)

DECISION

On October 10, 2003, the County of Hudson moved for
reconsideration of P.E.R.C. No. 2004-14, 29 NJPER 409 (¶136
2003). In that decision, we remanded a consolidated matter to an
Administrative Law Judge to issue findings of fact and
conclusions of law on whether the County violated the New Jersey

Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by transferring unit work to non-unit employees of the same public employer and whether the employer laid off union employees represented by PBA Locals 51 and 51A in retaliation for the exercise of rights protected by the Act. We remanded for the Judge to apply In re Bridgewater Tp., 95 N.J. 235 (1984), and to make specific factual conclusions as to whether the unions met their burden of proving, by a preponderance of the evidence, that hostility toward the PBA's participation and success in interest arbitration proceedings was a substantial or motivating factor in the decision to eliminate the County police department and lay off its employees. We also remanded to the Judge to make specific findings of fact as to whether the work traditionally performed by County police was transferred to non-unit employees of the same public employer.

The County asserts that the Judge already made factual findings and conclusions of law that unit work was not transferred to non-unit employees of the same public employer and thus there was no violation of the Act. It also asserts that the Judge issued findings of fact and conclusions of law that the unions did not present any evidence of union animus.

On October 22, 2003, the PBA locals filed a letter brief opposing reconsideration. They assert that no extraordinary circumstances warrant reconsideration.

Reconsideration will be granted only in extraordinary circumstances not present here. N.J.A.C. 19:14-8.4. As we stated in P.E.R.C. No. 2004-14, the Judge's Initial Decision did not include specific factual findings as to whether anti-union animus was a motivating factor in the decision to abolish the County Police Department and transfer functions to the Sheriff's Department. Nor did it apply the proper legal standards. In addition, the Initial Decision did not include specific factual findings or legal conclusions as to whether the work traditionally performed by County police was transferred to non-unit employees of the same public employer.

ORDER

The County of Hudson's motion for reconsideration is denied.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, DiNardo, Katz and Ricci voted in favor of this decision. None opposed. Commissioner Sandman abstained. Commissioner Mastriani was not present.

DATED: December 18, 2003
Trenton, New Jersey
ISSUED: December 19, 2003