

P.E.R.C. NO. 2004-59

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY,

Respondent,

-and-

Docket No. CO-2004-105

BURLINGTON COUNTY CORRECTIONS
PBA LOCAL NO. 249,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies the County of Burlington's motion for reconsideration of I.R. No. 2004-8. In that decision, a Commission designee restrained the employer from implementing a policy requiring employees to be weapons-qualified in order to bid on open, posted positions. The Commission concludes that this is not a case of exceptional importance warranting its intrusion into the regular interim relief process.

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 Respondent, Evan Crook, County Counsel
(Daniel Hornickel, Assistant Counsel)

For the Charging Party, Loccke & Correia, attorneys
(Charles Schlager, of counsel)

DECISION

On February 11, 2004, Burlington County moved for full Commission reconsideration of I.R. No. 2004-8, 30 NJPER ____ (¶ ____ 2004). In that decision, a Commission designee restrained the employer from implementing a policy requiring employees to be weapons-qualified in order to bid on open, posted positions.

The County argues that the designee's decision impermissibly infringes upon management's prerogative to determine minimum job qualifications for specific jobs and grants a restraint in a scenario where no irreparable harm exists.

The designee found that once the County determined that, absent a weapons-certified volunteer, it would fill a vacant position by appointing the least senior officer, whether weapons qualified or not, it could no longer claim that a weapons certification was a legitimate qualification for the job. In addition, the designee found irreparable harm because it would be difficult and disruptive to reinstate the previous bidding system, and because officers' personal schedules would be disrupted by being denied a position to which their seniority entitles them.

This is not a case of exceptional importance warranting our intrusion into the regular interim relief process. See Passaic Cty., P.E.R.C. No. 2004-50, 30 NJPER ____ (¶____ 2004).
Reconsideration by the full Commission is accordingly denied.

ORDER

Reconsideration by the full Commission is denied.

BY ORDER OF THE COMMISSION



Lawrence Henderson
Chairman

Chairman Henderson, Commissioners Buchanan, DiNardo, Katz and Sandman voted in favor of this decision. None opposed. Commissioner Mastriani was not present.

DATED: March 25, 2004
Trenton, New Jersey
ISSUED: March 26, 2004