

P.E.R.C. NO. 2004-65

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY SHERIFF,

Petitioner,

-and-

Docket No. SN-2003-51

CAMDEN COUNTY SHERIFF'S OFFICERS
P.B.A. LOCAL 277 AND CAMDEN COUNTY
SHERIFF'S SUPERIOR OFFICERS, P.B.A.
LOCAL 277 (SOA),

Respondents.

SYNOPSIS

The Public Employment Relations Commission denies the Camden County Sheriff's motion for reconsideration of P.E.R.C. No. 2004-46. In that decisions, the Commission found mandatorily negotiable four contract proposals made by the Camden County Sheriff's Officers, P.B.A. Local 277 and Camden County Sheriff's Superior Officers, P.B.A. Local 277 (SOA) during interest arbitration proceedings. In its motion, the County reargues that the unions' counsel fees proposal and the PBA's job bidding proposal are not mandatorily negotiable. The Commission finds 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.

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Appearances:

For the Petitioner, Genova, Burns & Vernoia, attorneys
(Lynn S. Degen and Timothy Averell, on the brief;
Timothy Averell, on the reply brief; Howard S. Wilson,
Counsel to the Office of the Sheriff, on the brief)

For the Respondent, Klatsky Sciarrabone &
DeFillippo, attorneys (Fred M. Klatsky, on
the brief)

DECISION

On February 17, 2004, the Camden County Sheriff moved for reconsideration of P.E.R.C. No. 2004-46, 30 NJPER 33 (¶10 2004). In that decision, we found mandatorily negotiable four contract proposals made by the Camden County Sheriff's Officers, P.B.A. Local 277 and Camden County Sheriff's Superior Officers, P.B.A. Local 277 (SOA) during interest arbitration proceedings. In its motion, the County reargues that the unions' counsel fees proposal and the PBA's job bidding proposal are not mandatorily negotiable.

On March 16, 2004, after an extension of time, the unions filed a response opposing reconsideration. They argue that the employer has not specified any extraordinary circumstances warranting reconsideration.

On March 26, 2004, the County filed a reply brief.

Reconsideration will be granted only in extraordinary circumstances. N.J.A.C. 19:13-3.11; 19:14-8.4. The employer relies on the arguments and briefs it submitted below and has not specified any extraordinary circumstances warranting our considering those arguments again.

As for the counsel fees proposal, the employer's only argument below was that the proposal was preempted by statute, court rule, and arbitration code. There are no grounds to reconsider those same preemption arguments. To the extent the employer is now adding a managerial prerogative argument, we cannot consider that argument for the first time through a motion for reconsideration.

As for the job bidding proposal, the employer relies solely on its briefs filed in the initial proceeding. There are no grounds to reconsider those same arguments.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION

A handwritten signature in black ink, appearing to read "L Henderson", written over a horizontal line.

Lawrence Henderson
Chairman

Chairman Henderson, Commissioners Buchanan, DiNardo, Katz, Mastriani and Sandman voted in favor of this decision. None opposed.

DATED: April 29, 2004
Trenton, New Jersey
ISSUED: April 30, 2004