

P.E.R.C. NO. 2004-82

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BERNARDSVILLE,

Petitioner,

-and-

Docket No. SN-2004-57

P.B.A. LOCAL NO. 365,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the Borough of Bernardsville's motion for reconsideration of P.E.R.C. No. 2004-67. In that decision, the Commission declined to exercise its scope jurisdiction in the absence of a demand for arbitration, or a dispute that had arisen during successor contract negotiations. The Commission finds no extraordinary circumstances warranting reconsideration and reiterates that any scope of negotiations issues can be addressed in a pending unfair practice proceeding.

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, Schwartz, Simon, Edelstein, Celso &  
Kessler, LLP (Stefani C. Schwartz, of counsel)

For the Respondent, Loccke & Correia, P.A.  
(Michael A. Bukosky, of counsel)

DECISION

On May 24, 2004, the Borough of Bernardsville moved for reconsideration of P.E.R.C. No. 2004-67, 30 NJPER 135 (¶52 2004). In that decision, we declined to exercise our scope of negotiations jurisdiction in the absence of a demand for arbitration, or a dispute that had arisen during successor contract negotiations. We added that the parties may address any scope of negotiations issue in a related unfair practice proceeding.

The Borough argues that we overlooked our authority to exercise jurisdiction in scope of negotiations cases that arise under special circumstances. It further argues that our

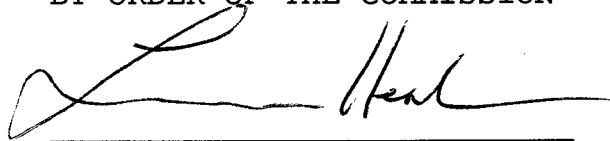
exercising our jurisdiction will promote the goals of efficiency and prevention/prompt settlement of labor disputes. The PBA responds that there are no extraordinary circumstances warranting reconsideration.<sup>1/</sup>

Reconsideration will be granted only in extraordinary circumstances not present here. N.J.A.C. 19:13-3.11; 19:14-8.4. As we stated in our initial decision, any scope of negotiations issues can be addressed in the pending unfair practice proceeding.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION



Lawrence Henderson  
Chairman

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

DATED: June 24, 2004  
Trenton, New Jersey  
ISSUED: June 25, 2004

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<sup>1/</sup> The PBA contends that the motion is untimely. Given our ruling on the merits, we need not address that issue.