

P.E.R.C. NO. 2005-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF DENVILLE,

Petitioner,

-and-

Docket No. SN-2004-064

P.B.A. LOCAL 142,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of P.B.A. Local 142 for reconsideration of P.E.R.C. No. 2005-23. In that decision, the Commission, applying the negotiability balancing test to the unusual facts of the case, held that the Township of Denville's decision to enter into a contract permitting the Township of Rockaway and a school district to provide a portion of the security services for a Rockaway Township meeting that was to take place in Denville, and not to provide more than seven of its own police officers was a governmental policy decision not subject to mandatory negotiations. The Commission finds no extraordinary circumstances to warrant 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, Scarinci & Hollenbeck, LLC,
attorneys (Mitchell H. Levine, on the brief)

For the Respondent, Cohen, Leder, Montalbano & Grossman
(Bruce D. Leder, on the brief)

DECISION

On October 18, 2004, P.B.A. Local 142 moved for reconsideration of P.E.R.C. No. 2005-23, 30 NJPER 421 (¶138 2005). The PBA had filed a grievance alleging that three Township of Denville police officers lost an overtime opportunity when the police chief permitted two police officers from Rockaway Township and a school board security guard to work a security detail for a Rockaway Township meeting to take place at a school in Denville. Applying the negotiability balancing test to the unusual facts of the case, we held that Denville's decision to enter into a contract permitting Rockaway and the school district to provide a portion of the security services and not to provide

more than seven of its own police officers was a governmental policy decision not subject to mandatory negotiations.

The PBA argues in its motion that we misapplied the relevant case law and asks that we grant its motion based upon the unusual circumstances of this case. The Township opposes reconsideration. It asserts that the PBA has not specified any extraordinary circumstances warranting reconsideration.

Reconsideration will be granted only in extraordinary circumstances. N.J.A.C. 19:13-3.11; 19:14-8.4. No such circumstances are present.

The PBA claims that once the Denville police chief determined that nine police officers were required to cover the event, the PBA had a right to arbitrate the issue of who should work. However, we addressed that claim in our initial decision. We explained that requiring Denville to have conditioned its agreement with Rockaway on the exclusive use of Denville police officers for a Rockaway meeting would have substantially limited Denville's ability to make the governmental policy determination on how best to cooperate with its neighboring municipality. There are no extraordinary circumstances warranting reconsideration of that determination.

ORDER

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, Fuller, Katz and Watkins voted in favor of this decision. Commissioner Mastriani was not present. None opposed.

DATED: November 23, 2004
Trenton, New Jersey
ISSUED: November 24, 2004