

P.E.R.C. NO. 2006-48

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MOUNT LAUREL TOWNSHIP,

Respondent,

-and-

Docket No. SN-2006-040

MOUNT LAUREL SUPERIOR
OFFICERS ASSOCIATION,

Petitioner.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to the authority delegated by the full Commission, grants, in part, the request of Mount Laurel Township for a restraint of binding arbitration of a grievance filed by the Mount Laurel Superior Officers Association. The grievance challenges a demotion/reassignment and a reprimand involving a police sergeant. The Chairman grants a restraint of arbitration over the demotion/reassignment and allows arbitration over the reprimand. The Chairman does not speculate on the appropriateness of any arbitral remedies.

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, Capehart Scatchard, P.A., attorneys
(Michael E. Heston, of counsel)

For the Petitioner, Quinlan, Dunne & McConnell, LLC,
attorneys (Karl N. McConnell, of counsel)

DECISION

On November 15, 2005, Mount Laurel Township filed a petition for scope of negotiations determination. The Township seeks a restraint of binding arbitration of a grievance filed by the Mount Laurel Superior Officers Association. The grievance challenges a demotion/reassignment and a reprimand involving a police sergeant.

In its brief in support of its petition, the Township argued that any challenge to the demotion/reassignment must be made before the Merit System Board. In response, the Association agreed to entry of an order restraining arbitration over the demotion/reassignment, but permitting arbitration over the

reprimand. The Township does not object to arbitration over the reprimand, but believes there are limits on the arbitrator's remedial authority.

Pursuant to authority granted to me by the full Commission, I restrain binding arbitration over the demotion/reassignment. Arbitration may proceed over the reprimand. Consistent with Commission policy, I will not speculate on the appropriateness of any arbitral remedies. Deptford Bd. of Ed., P.E.R.C. No. 81-84, 7 NJPER 88 (¶12034 1981).

BY ORDER OF THE CHAIRMAN OF THE
PUBLIC EMPLOYMENT RELATIONS
COMMISSION



Lawrence Henderson
Chairman

ISSUED: December 19, 2005
Trenton, New Jersey