

P.E.R.C. NO. 2007-51

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF BEACH HAVEN,

Petitioner,

-and-

Docket No. SN-2007-028

TEAMSTERS LOCAL 35 OF NEW JERSEY,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, AFL-CIO,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Borough of Beach Haven for a restraint of binding arbitration of a grievance filed by Teamsters Local 35 of New Jersey, International Brotherhood of Teamsters, AFL-CIO. The grievance challenges a three-day suspension imposed on a zoning officer. The Commission finds that employers in Department of Personnel jurisdictions can negotiate agreements calling for binding arbitration of minor disciplinary disputes, including suspensions of five days or less. Whether the employer did so is a question of contract interpretation outside the Commission's limited jurisdiction.

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, Dasti, Murphy, McGuckin, Ulaky,
Cherkos & Connors, attorneys (Jerry J. Dasti and
Christopher K. Koutsouris, on the briefs)

For the Respondent, McNeill & Walker, attorneys (Nancy
A. Walker, on the brief)

DECISION

On December 7, 2006, the Borough of Beach Haven petitioned for a scope of negotiations determination. The Borough seeks a restraint of binding arbitration of a grievance filed by Teamsters Local 35 of New Jersey, International Brotherhood of Teamsters, AFL-CIO. The grievance challenges a three-day suspension imposed on a zoning officer.

The Borough is a Department of Personnel ("DOP") jurisdiction. Local 35 represents Borough employees, including the zoning officer.

N.J.S.A. 34:13A-5.3 makes clear that DOP employers can negotiate agreements calling for binding arbitration of minor disciplinary disputes, including suspensions of five days or less. Monmouth Cty. and CWA, 300 N.J. Super. 272 (App. Div. 1997). The employer's only argument is that it did not do so. That argument presents an issue of contract interpretation outside our limited scope of negotiations jurisdiction. Ridgefield Park Ed. Ass'n v. Ridgefield Park Bd. of Ed., 78 N.J. 144, 154 (1978).

ORDER

The request of the Borough of Beach Haven for a restraint of binding arbitration is denied.

BY ORDER OF THE COMMISSION

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

ISSUED: March 29, 2007

Trenton, New Jersey