

P.E.R.C. NO. 2007-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2007-045

P.B.A. LOCAL 11,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the City of Trenton's motion for reconsideration of P.E.R.C. No. 2007-61, NJPER (¶ 2007). In that decision, the Commission declined to restrain binding arbitration of a grievance filed by P.B.A. Local 11 challenging a patrol officer's transfer from a day shift to a night shift. The City claims that it did not receive the brief filed by P.B.A. Local 11. The PBA claims in a letter to the City that it served the brief and accompanying affidavit by first class mail, but does not oppose the motion. Under these circumstances, the Commission grants reconsideration and allows the City the opportunity to file a reply brief.

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.

P.E.R.C. NO. 2007-71

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF TRENTON,

Petitioner,

-and-

Docket No. SN-2007-045

P.B.A. LOCAL 11,

Respondent.

Appearances:

For the Petitioner, Laufer, Knapp, Torzewski, Dalena & Sposaro, LLC, attorneys (Stephen E. Trimboli, on the brief)

For the Respondent, Kroll, Heineman & Giblin, LLC, attorneys (Raymond G. Heineman, on the brief)

DECISION

On May 1, 2007, the City of Trenton moved for reconsideration of P.E.R.C. No. 2007-61, __ NJPER __ (¶__ 2007). In that decision, we declined to restrain binding arbitration of a grievance challenging a patrol officer's transfer from a day shift to a night shift. However, the City now claims that it did not receive the brief filed by P.B.A. Local 11. The PBA has sent in a letter to the City claiming that it served its brief and accompanying affidavit by first class mail, but the PBA has not opposed the City's motion. Under these circumstances, we grant reconsideration and vacate P.E.R.C. No. 2007-61. The City has

seven days to file a reply brief. Should the City submit a certification, the PBA will have seven days to respond.

ORDER

Reconsideration is granted and P.E.R.C. No. 2007-61 is vacated. The City has seven days to file a reply brief. Should the City file a certification, the PBA will have seven days to respond.

BY ORDER OF THE COMMISSION

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

ISSUED: May 31, 2007

Trenton, New Jersey