

P.E.R.C. NO. 2012-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FRANKLIN TOWNSHIP,

Respondent,

-and-

Docket No. CO-2011-065

FRANKLIN TOWNSHIP PBA LOCAL #154,

Charging Party.

FRANKLIN TOWNSHIP,

Respondent,

-and-

Docket No. CO-2011-066

FRANKLIN TOWNSHIP SOA,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of I.R. No. 2011-30, 37 NJPER 36 (¶12 2011). filed by Franklin Township. In that decision, a Commission designee granted the Franklin Township PBA Local 154 and the Franklin Township Superior Officers Association's requests for interim relief that accompanied unfair practice charges filed against the Township. The Commission affirms the designee's decision finding that the Township did not meet the exceptional importance test warranting reconsideration by the full Commission.

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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For the Respondent, Decotiis, Fitzpatrick & Cole,
attorneys (Louis N. Rainone, of counsel)

For the Charging Party, Klatsky, Sciarabone &
De Fillippo, attorneys (David J. De Fillippo, of
counsel)

DECISION

Franklin Township moves for reconsideration of a Commission designee's decision in I.R. No. 2011-30, 37 NJPER 36 (¶12 2011). In that decision, the designee granted the Franklin Township PBA Local 154 and the Franklin Township Superior Officers Association's request for interim relief. The designee relied on two decisions of this Commission issued over the past ten months, holding that the Township of Franklin's proposed changes in the

work schedules of police officers represented by the Franklin Township PBA Local 154 and the Franklin Township Superior Officers Association were mandatorily negotiable, subject to interest arbitration, and could not be unilaterally imposed. See Franklin Tp. and Franklin Tp. PBA Local No. 154, P.E.R.C. No. 2011-48, 36 NJPER 461 (¶179 2010), appeal pending; Franklin Tp. and Franklin Tp. PBA Local No. 154 (SOA), P.E.R.C. No. 2011-59, 37 NJPER 16 (¶6 2011), appeal pending. Thus, the designee restrained the Township from unilaterally implementing the schedule change.

A Commission designee acts on behalf of the full Commission. N.J.A.C. 19:10-4.1. In City of Passaic, P.E.R.C. No. 2004-50, 30 NJPER 67 (¶21 2004), we explained that we will grant reconsideration of a designee's interim relief decision only in cases of exceptional importance:

In rare circumstances, a designee might have misunderstood the facts presented or a party's argument. That situation might warrant the designee's granting a motion for reconsideration of his or her own decision. However, only in cases of exceptional importance will we intrude into the regular interim relief process by granting a motion for reconsideration by the full Commission. A designee's interim relief decision should rarely be a springboard for continued interim relief litigation. [Ibid.]

Although this case is important to the parties, it is not a case of exceptional importance warranting our intrusion into the regular interim relief process. Passaic; Burlington Cty.,

P.E.R.C. No. 2004-59, 30 NJPER 102 (¶39 2004). The effect of the designee's decision is to preserve the status quo. The designee applied our holdings in the scope of negotiations cases related to the exact same issue. Our decisions in those cases are pending review in the Appellate Division. Under these circumstances, we deny the motion for reconsideration.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Bonanni, Eskilson, Jones, Krengel and Voos voted in favor of this decision. None opposed. Commissioner Wall recused himself.

ISSUED: September 22, 2011

Trenton, New Jersey