

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF DOVER,

Respondent,

-and-

Docket No. CO-98-291

DOVER TOWNSHIP POLICE  
OFFICERS ASSOCIATION,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration filed by the Dover Township Police Officers Association. The Association requests reconsideration of a Commission Designee's denial of interim relief in its unfair practice charge filed against the Township of Dover. The charge alleges that the employer violated the Act when, after the parties entered into an agreement about police employment for outside vendors, the Township promulgated a policy severely limiting the amount of work available to unit members. Specifically, the Township now requires vendors to pay one month's cost of police services in advance. The Association alleges that this precondition has resulted in a significant decrease in outside employment opportunities. Given the contractual defenses to the unfair practice charge, the Commission finds no extraordinary circumstances warranting reconsideration of the interim relief decision.

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, Berry, Kagan, Sahradnik, Kotzas & Riordan, attorneys (Seymour J. Kagan, of counsel)

For the Charging Party, Loccke & Correia, attorneys (Joseph Licata, of counsel)

DECISION

On March 26, 1998, the Dover Township Police Officers Association moved for reconsideration of I.R. No. 98-21, 24 NJPER \_\_\_\_ (¶\_\_\_\_ 1998). In that decision, a Commission designee denied the Association's request for an interim relief order in its unfair practice charge against the Township of Dover. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (2), (3), (5) and (7),<sup>1/</sup> when, after

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<sup>1/</sup> These provisions prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (2) Dominating or interfering with the formation, existence or administration of any employee organization. (3) Discriminating in regard

the parties entered into an agreement about police employment for outside vendors, the Township promulgated a policy severely limiting the amount of work available to unit members. Specifically, the Township now requires vendors to pay one month's cost of police services in advance. The Association alleges that this precondition significantly decreased outside employment opportunities.

On March 19, 1998, the designee denied interim relief. I.R. No. 98-21. Relying on Mine Hill Tp., P.E.R.C. No. 87-93, 13 NJPER 125 (¶18056 1987), he found that the rate to be paid by outside vendors for off-duty police work is mandatorily negotiable. However, relying on Orange Tp., P.E.R.C. No. 86-23, 11 NJPER 522 (¶16184 1985), he found that the management of off-duty work by an employer is non-negotiable. He concluded that because it was not clear from the record whether the escrow requirement was mandatorily negotiable, the Association had not shown a substantial likelihood of success on the merits.

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to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative. (7) Violating any of the rules and regulations established by the commission."

The Association contends that the issue before the designee was purely legal and that its request for relief was a natural extension of existing case law. It argues that there are extraordinary circumstances warranting reconsideration of the designee's decision, particularly because losses of outside employment will be impossible to quantify or remedy.


The employer has filed a response arguing that the parties have agreed that there are no restrictions on how the Township should manage outside employment except to provide equal access to all employees, and that disputes over the application of their agreement are limited to an adjudication by the Township Administrator.

Given these contractual defenses to the unfair practice charge, we find that there are not extraordinary circumstances warranting reconsideration of the interim relief decision.

ORDER

Reconsideration is denied.

BY ORDER OF THE COMMISSION

  
Millicent A. Wasell  
Chair

Chair Wasell, Commissioners Boose, Buchanan, Finn, Klagholz and Ricci voted in favor of this decision. None opposed. Commissioner Wenzler was not present.

DATED: June 25, 1998  
Trenton, New Jersey  
ISSUED: June 26, 1998