

P.E.R.C. NO. 96-80

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ESSEX COUNTY PROSECUTOR,

Petitioner,

-and-

Docket No. SN-96-16

ESSEX COUNTY DETECTIVES  
AND INVESTIGATORS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission restrains interest arbitration over a contract proposal submitted by the Essex County Detectives and Investigators Association for inclusion in a successor contract with the Essex County Prosecutor. The proposal concerns discipline of detectives and investigators. The Commission finds that the proposal would subject disciplinary actions involving police officers to binding arbitration. Accordingly, it conflicts with State v. State Troopers Fraternal Ass'n, 134 N.J. 393 (1993).

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, Clifford J. Minor, Essex County  
Prosecutor (John F. Redden, Deputy First Assistant  
Prosecutor, of counsel)

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

DECISION AND ORDER

On August 6, 1995, the Essex County Prosecutor petitioned for a scope of negotiations determination. The Prosecutor seeks a declaration that a contract proposal submitted by the Essex County Detectives and Investigators Association for inclusion in a successor contract is not mandatorily negotiable. The proposal concerns discipline of detectives and investigators.

The parties have filed briefs and exhibits. These facts appear.<sup>1/</sup>

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<sup>1/</sup> The Prosecutor has requested oral argument. We deny that request.

The Association represents the Prosecutor's investigators and detectives, excluding superior officers. The Association and the Prosecutor's Office entered into a contract which expired on December 31, 1994. The parties are engaged in interest arbitration proceedings. The Association seeks to include a proposal entitled "Disciplinary Action" in the successor agreement. The proposal states:


The County cannot discipline employees covered by this collective bargaining agreement except for just cause shown. All minor disciplinary action, as defined by Civil Service rules and regulations, may be submitted to the grievance arbitration procedures provided by Article V of this agreement. All major disciplinary actions, as defined by Civil Service rules and regulations, must be submitted to the Department of Personnel and Office of Administrative Law for adjudication.

This provision would subject disciplinary actions involving police officers to binding grievance arbitration. Accordingly, it conflicts with State v. State Troopers Fraternal Ass'n, 134 N.J. 393 (1993), which prohibits binding arbitration of the merits of all forms of police discipline, and is not mandatorily negotiable. See also Union Cty., P.E.R.C. No. 95-43, 21 NJPER 64 (¶26046 1995), app. pending App. Div. Dkt. No. A-3416-94T1. We will therefore restrain interest arbitration over this proposal.

ORDER

The request of the Essex County Prosecutor for a restraint of interest arbitration over Article XXXI, Disciplinary Action, is granted.

BY ORDER OF THE COMMISSION



Millicent A. Wasell  
Acting Chair

Acting Chair Wasell, Commissioners Boose, Buchanan, Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed.

DATED: June 20, 1996  
Trenton, New Jersey  
ISSUED: June 21, 1996