

P.E.R.C. NO. 89-119

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWN OF DOVER,

Respondent,

-and-

Docket No. CO-H-88-264

TEAMSTERS UNION LOCAL 102,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies Teamsters Union Local 102's motion to reconsider P.E.R.C. No. 89-104, 15 NJPER ____ (¶ 1989). In that case, the Commission dismissed an unfair practice charge filed by Local 102 against the Town of Dover. Under the circumstances of that case, the Commission did not believe that negotiations were required before the Town assigned more dispatching duties to police officers who had historically performed those duties alone or in conjunction with civilian dispatchers. The motion does not present any extraordinary circumstances why the Commission should reconsider its holding.

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Appearances:

For the Respondent, Pennella & Claps, Esqs.
(David G. Pennella, of counsel)

For the Charging Party, Richard Weinmann, Esq.

DECISION AND ORDER

On March 27, 1989, Teamsters Union Local 102 moved for reconsideration of P.E.R.C. No. 89-104 where we dismissed a claim that the Town of Dover violated the Act by laying off civilian dispatchers and assigning the work to police. Local 102 claims that: (1) it never consented to the Town's filing untimely exceptions; (2) the exceptions do not comply with our rules, and (3) the reversal of the Hearing Examiner was by a 3 to 2 vote and that the full Commission should reconsider. It argues that: (1) we adopted the Hearing Examiner's finding that the civilian dispatchers did the work, Monday through Friday, for the last several years and then erroneously found that the union did not prove that it was unit work; (2) the decision renders meaningless the recognition clause,

and (3) no extra officers are available in case of emergencies.

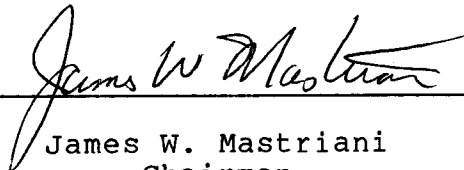
On April 7, 1989, the Town filed a reply. It claims that: (1) any delay in filing exceptions was due to settlement discussions and the vacation schedules of both parties; (2) the Commission may disregard certain procedural requirements under N.J.A.C. 19:14-7.3, and (3) a 3 to 2 vote is proper and any appeal should be to the Superior Court. It argues that: (1) the Commission did not undo any findings, but reviewed the record and based its decision on all the facts; (2) dispatching is an unusual hybrid position, and (3) a superior replacing a patrol officer at the dispatching desk would put more police on the street.

This motion does not present any extraordinary circumstances why we should reconsider our holding. N.J.A.C. 19:14-8.4.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Commissioners Johnson, Reid, Ruggiero and Wenzler voted in favor of this decision. Chairman Mastriani, Commissioners Bertolino and Smith were opposed.

DATED: Trenton, New Jersey
April 28, 1989
ISSUED: May 1, 1989