

P.E.R.C. NO. 84-115

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SUSSEX,

Respondent,

-and-

Docket No. CO-84-191

PBA LOCAL 138, SUSSEX
COUNTY CORRECTION OFFICERS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a Motion for Reconsideration of an interim relief award which a Commission Designee issued on February 23, 1984. In re County of Sussex, I.R. No. 84-7, 10 NJPER ____ (¶ ____ 1984). Finding that the PBA had shown a substantial likelihood of proving its unfair practice charge alleging that the County was obligated to pay salary increments to its employees and finding that irreparable harm would occur in the absence of such relief, the Commission's designee ordered the County to pay employees the salary increments due pending the completion of litigation over the unfair practice charge. The Commission denies the motion for reconsideration because there are no extraordinary circumstances justifying reconsideration under N.J.A.C. 19:14-8.4 and the designee's decision follows well-established precedent.

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Appearances:

For the Respondent, Yauch, Peterpaul & Clark, Esqs.
(Frank J. Peterpaul, of Counsel)

For the Charging Party, Loccke & Correia, Esqs.
(Manuel A. Correia, of Counsel)

DECISION AND ORDER

On March 12, 1984, the County of Sussex ("County") filed a Motion for Reconsideration of an interlocutory decision which Commission Designee Charles A. Tadduni rendered on February 23, 1984. In re County of Sussex, I.R. No. 84-7, 10 NJPER ____ (¶ ____ 1984).^{1/} In that decision, the Hearing Examiner granted the request of PBA Local 138 ("PBA") for interim relief pending litigation of an unfair practice charge the PBA had filed against the County. That charge alleged that the County had refused to grant salary increments due employees represented by the PBA under the terms of an interest arbitration award. Finding that the PBA had shown a substantial likelihood of success on the merits and that irreparable harm would occur in the absence of interim relief, the Commission's designee ordered the County to 1/ No appeal to the Superior Court has been taken from that decision.

pay employees the salary increments due under the terms of the interest arbitration award and to pay the monetary difference between the amount the eligible employees would have received had their increments not been unilaterally withheld and the amounts they were in fact paid subsequent to January 1, 1984.

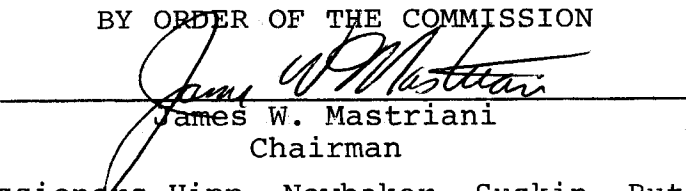
On March 16, 1984, the PBA filed a brief in opposition to the County's motion.

We have reviewed the Commission designee's decision, the County's motion, and the PBA's brief in opposition to the County's motion. We do not find the extraordinary circumstances that must exist to warrant reconsideration pursuant to N.J.A.C. 19:14-8.4. To the contrary, we find that the Commission's designee acted pursuant to well-established precedent in granting interim relief. See, e.g., Galloway Tp. Bd. of Ed. v. Galloway Tp. Ed. Ass'n, 78 N.J. 25 (1978); In re City of Vineland, I.R. No. 81-1, 7 NJPER 324 (¶12142 1981), interim order enforced and leave to appeal denied, App. Div. Docket No. AM-1037-80T3 (7/15/81); In re Alexandria Twp. Bd. of Ed., I.R. No. 84-5, 10 NJPER 1 (¶15000 1984).

ORDER

The Motion for Reconsideration is denied.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Hipp, Newbaker, Suskin, Butch and Wenzler voted for this decision. None opposed. Commissioner Graves was not present.

DATED: Trenton, New Jersey
April 12, 1984
ISSUED: April 13, 1984