

P.E.R.C. NO. 90-88

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of
COUNTY OF CAMDEN,

Respondent,

-and-

Docket No. IA-90-23

P.B.A. LOCAL 208,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the County of Camden's motion to dismiss P.B.A. Local 208's petition to initiate compulsory interest arbitration. The Commission, relying on Camden Cty., P.E.R.C. No. 85-11, 10 NJPER 501 (¶15229 1984) finds that the County's court attendants are entitled to interest arbitration.

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Appearances:

For the Respondent, Capehart & Scatchard
(Joseph F. Betley, of counsel)

For the Petitioner, Agre & Baker
(Leonard S. Baker, of counsel)

DECISION AND ORDER

On February 1, 1990, the County of Camden filed a motion to dismiss P.B.A. Local 208's petition to initiate compulsory interest arbitration. It claims that court attendants represented by the P.B.A. are not entitled to interest arbitration. It notes that we have already determined that they are. Camden Cty., P.E.R.C. No. 85-11, 10 NJPER 501 (¶15229 1984) ("Camden I"); Camden Cty., P.E.R.C. No. 88-7, 13 NJPER 641 (¶18241 1987) ("Camden II"). It claims we erred in those cases by focusing on the court attendants' statutory authority to arrest, apprehend and detain criminals instead of determining whether they are actually engaged in performing

essential police services. It urges us to reconsider our prior rulings and conduct a hearing on whether the court attendants are actually engaged in performing essential police functions.

On February 13, the P.B.A. opposed the motion. It claims that nothing has changed since our earlier rulings, but that in any event court attendants help maintain courtroom security.

On February 16, the Chairman notified the parties that the file had been transferred to us for review and determination.^{1/}

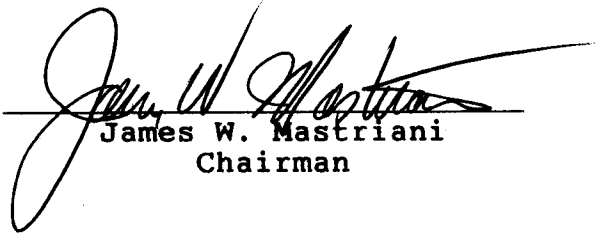
In Camden I, we concluded that these employees were entitled to interest arbitration. The County has not cited any change in the attendants' statutory authority underlying our determination in Camden I. Instead, it urges adoption of a different standard for determining entitlement to interest arbitration.

Absent compelling reasons, we do not believe it appropriate to reopen a dispute first resolved over five years ago. The doctrine of res judicata applies. See City of Hackensack, 82 N.J. 1 (1980); see also Hinfrey v. Matawan Bd. of Ed., 77 N.J. 514 (1978). In any event, we have reviewed our prior decision and the County's present arguments and find no basis to disturb our prior ruling.

ORDER

The motion to dismiss P.B.A. Local 208's petition to initiate compulsory interest arbitration is denied.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Ruggiero, Reid, Bertolino and Smith voted in favor of this decision. None opposed. Commissioners Wenzler and Johnson were not present.

DATED: Trenton, New Jersey
March 26, 1990
ISSUED: March 27, 1990

1/ On February 20, 1990, the County filed a reply.