

P.E.R.C. NO. 83-155

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF BLOOMFIELD,

Petitioner,

-and-

Docket No. SN-83-100

PATROLMEN'S BENEVOLENT
ASSOCIATION, LOCAL 32,

Respondent.

SYNOPSIS

The Public Employment Relations Commission declines to restrain binding arbitration of a grievance that Patrolmen's Benevolent Association, Local 32 filed against the Township of Bloomfield. The grievance had alleged that a Civil Service police officer received a three day suspension without just cause. The Commission, applying a companion case, In re County of Atlantic, P.E.R.C. No. 83-149, 9 NJPER (¶ _____ 1983), held the dispute was arbitrable under the recent amendment to N.J.S.A. 34:13A-5.3, which makes arbitrable some, but not all disciplinary determinations and Bergen County Law Enforcement Group, Superior Officers, PBA Local No. 134 v. Bergen County Board of Chosen Freeholders, App. Div. Docket No. A-2873-81-T2 (January 7, 1983) since Civil Service employees who are suspended for five days or less do not have a statutory right to have the Civil Service Commission review such suspensions.

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Appearances:

For the Petitioner, John A. Bukowski, Jr., Esq.

For the Respondent, Zazzali, Zazzali & Krol, Esqs.
(James R. Zazzali, of Counsel)

DECISION AND ORDER

On April 6, 1983, the Township of Bloomfield ("Township") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. The Township seeks to restrain binding arbitration of a grievance the Patrolmen's Benevolent Association, Local 32 ("Local 32") has filed. The grievance involves a three day suspension of a Civil Service employee, police officer Walter Willis.

Local 32 represents a negotiations unit of the Township's police officers. The Township and Local 32 have entered a collective negotiations agreement. The agreement's grievance procedure culminates in binding arbitration.

On December 2, 1982, the Township, after a disciplinary hearing, suspended officer Willis, a Civil Service employee, for three days. The record does not indicate the alleged reason for

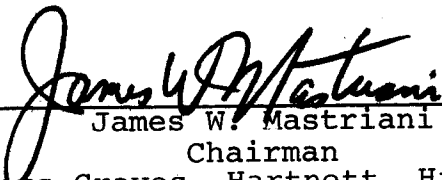
the suspension. Local 32 filed a grievance contending that the Township did not have just cause to suspend Willis. When the parties were unable to resolve this matter at the lower levels of the grievance procedure, Local 32 demanded binding arbitration. The Township responded with the instant petition.

In a companion case decided today, In re County of Atlantic, P.E.R.C. No. 83-149, 9 NJPER ____ (¶ ____ 1983), we held that suspensions of Civil Service employees of local governments for five days or less may be submitted to binding arbitration. See Bergen County Law Enforcement Group, Superior Officers, PBA Local No. 134 v. Bergen County Bd. of Chosen Freeholders, App. Div. Docket No. A-2873-81T2 (1/7/83).^{1/} That decision applies here. Accordingly, we decline to restrain binding arbitration of Local 32's grievance.

ORDER

The request of the Township of Bloomfield for a permanent restraint of binding arbitration of the Willis grievance is denied.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Graves, Hartnett, Hipp, Newbaker and Suskin voted in favor of this decision. Commissioner Butch voted against the decision.

DATED: Trenton, New Jersey
June 1, 1983
ISSUED: June 2, 1983

^{1/} In County of Atlantic, we specifically overruled a previous Commission decision, In re City of East Orange, P.E.R.C. No. 83-109, 9 NJPER 147 (¶14070 1983), which was inconsistent with Bergen County.