

P.E.R.C. NO. 87-134

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF PENNSAUKEN,

Petitioner,

-and-

Docket No. SN-87-21

F.O.P. GARDEN STATE LODGE #3

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies the respondent's motion for reconsideration of P.E.R.C. No. 87-101, 13 NJPER 161 (¶18071 1987). The Commission finds that the facts relied on to justify reconsideration were not in the record when the Commission decided the case.

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Appearances:

For the Petitioner, Pachman & Glickman, Esqs.
(Steven S. Glickman, of counsel)

For the Respondent, Colflesh and Burris, Esqs.
(Ralph Henry Colflesh, Jr., of counsel)

DECISION AND ORDER

On February 6, 1987, we determined that a proposal submitted by F.O.P. Garden State Lodge #3 ("FOP") during contract negotiations with the Township of Pennsauken ("Township") was not mandatorily negotiable. P.E.R.C. No. 87-101, 13 NJPER 161 (¶18071 1987). That proposal labeled Seniority, Section A, provided that shift assignments would be made by seniority.

On February 25, 1987, the FOP filed a motion for reconsideration. It contends we did not consider limiting language contained in Section B of that proposed article. That section provides, in part: "Nor does [Section A] apply in emergency situations or situations which require personnel with specialized qualifications." It contends that this limiting language makes the


article mandatorily negotiable under Tp. of Franklin, P.E.R.C. No. 85-97, 11 NJPER 224 (¶16087 1985).

We deny the motion for reconsideration. The language relied on was not in the record so we did not consider it. It presents a different issue which would have to be resolved through the filing of another scope of negotiations petition.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Bertolino, Johnson, Reid, Smith and Wenzler voted in favor of this decision. None opposed.

DATED: Trenton, New Jersey
April 22, 1987
ISSUED: April 23, 1987