

P.E.R.C. NO. 94-93

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF READINGTON,

Respondent,

-and-

Docket No. CO-93-277

READINGTON TOWNSHIP PBA  
LOCAL No. 317,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices' refusal to issue a Complaint based on an unfair practice charge filed by the Readington Township PBA Local No. 317 against the Township of Readington. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act by filling two sergeant vacancies from a posting which was intended to fill only one vacancy. Disputes over promotion procedures must be resolved through the parties' negotiated grievance procedures.

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Appearances:

For the Respondent, Gerald L. Dorf, attorney

For the Charging Party, Abramson & Liebeskind Associates  
(Marc D. Abramson, consultant)

DECISION AND ORDER

On February 16, 1994, Readington Township PBA Local No. 317 filed an unfair practice charge against the Township of Readington. The charge alleges that the Township violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4(a)(1) and (5),<sup>1/</sup> by filling two sergeant vacancies from a posting which was intended to fill only one vacancy.

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<sup>1/</sup> These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit...."

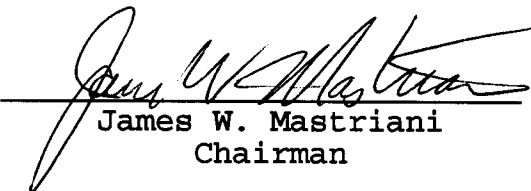
On December 23, 1993, the Director of Representation refused to issue a Complaint. D.U.P. No. 94-20, \_\_\_ NJPER \_\_\_ (¶\_\_\_\_\_ 1993). On February 4, 1994, the PBA appealed the Director's determination. The PBA recognizes that the Township has the right to change promotional criteria. It argues, however, that the Township had an obligation to inform the PBA prior to a change. It relies on an alleged agreement between the parties postponing the promotion of a new sergeant from May 4, 1992 to December 31, 1992 and specifying that only those patrol officers who would have been eligible as of May 4, 1992 would be eligible for this promotion.

In State of New Jersey (Dept. of Human Services), P.E.R.C No. 84-148, 10 NJPER 419 (¶15191 1984), we explained that allegations setting forth at most a mere breach of contract do not warrant the exercise of our unfair practice jurisdiction. This charge alleges a breach of an agreement on promotion procedures. Any disputes over those procedures must be resolved through the parties' negotiated grievance procedures. Ibid.

ORDER

The refusal to issue a Complaint is sustained.

BY ORDER OF THE COMMISSION

  
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 James W. Mastriani  
 Chairman

Chairman Mastriani, Commissioners Goetting, Klagholz, Regan, Smith and Wenzler voted in favor of this decision. None opposed. Commissioner Bertolino was not present.

DATED: March 29, 1994  
 Trenton, New Jersey  
 ISSUED: March 30, 1994