

Bond Case Briefs

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In re Township of Edison, Intern. Ass'n of Firefighters, Local 1197

Superior Court of New Jersey, Appellate Division - December 23, 2014 - Not Reported in A.3d - 2014 WL 7261765

The Township of Edison appealed from a decision of the Public Employment Relations Commission (PERC) denying the township's petition to restrain binding arbitration of a grievance. It was filed by Local 1197 of the International Association of Firefighters (IAFF) regarding compensation of certain firefighters who were also trained and licensed emergency medical technicians (firefighter/EMTs).

Local 1197's grievance arose from the township's January 2011 decision to remove from service an ambulance utilized by the Division of Fire and staffed by firefighter/EMTs, and to eliminate a so-called rotation of thirty-six firefighters, trained as emergency medical technicians, who received pay enhancements under the 2010-2013 collective negotiations agreement (CNA) between the local and the township.

In this case, the township decided to reallocate to civilian employees and volunteers a service previously provided by firefighter/EMTs who staffed the Fire Division's ambulance. However, the local contended that firefighter/EMTs continue to provide emergency medical services as first responders, regardless of whether fire suppression activities are involved. Although the ambulance had been removed, Local 1197 argued that firefighter/EMTs continue to perform the same work, yet the township has withheld the pay differential.

The township argued that the arbitration would infringe upon its managerial prerogative.

The appeals court agreed that the disposition of these disputes were for the arbitrator, affirming the PERC's decision.