

PREPARED BY THE COURT

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, AFL-CIO, LOCAL 198,
and WILLIAM DiLORENZO, on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

CITY OF ATLANTIC CITY, NEW JERSEY,
CHARLES RICHMAN, COMMISSIONER
OF NEW JERSEY DEPARTMENT OF
COMMUNITY SERVICES, sued in his
official capacity, TIMOTHY J.
CUNNINGHAM, DIRECTOR OF NEW
JERSEY DEPARTMENT OF
COMMUNITY SERVICES, DIVISION OF
LOCAL GOVERNMENT SERVICES, sued
in his official capacity, and JEFFREY S.
CHIESA, DESIGNEE OF THE DIRECTOR
OF NEW JERSEY DEPARTMENT OF
COMMUNITY SERVICES, DIVISION OF
LOCAL GOVERNMENT, sued in his official
capacity,

Defendants.

FILED

JUL 06 2017

**ATLANTIC COUNTY
LAW DIVISION**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ATLANTIC COUNTY
DOCKET NO. ATL-L-222-17

Order

Dated: July 6, 2017

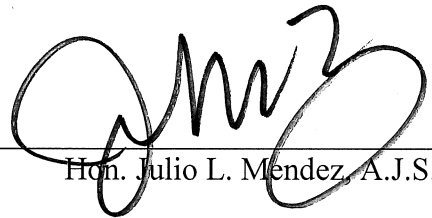
THIS MATTER, having come before the Court by way of an order to show cause petition filed on May 15, 2017 and a modified order to show petition filed on May 30, 2017 by Michael Bukosky, Esq. on behalf of Plaintiffs, and Defendants being represented by Ronald L. Israel, Esq., and the return on the order to show cause having been heard on June 26, 2017, and the court having reviewed the papers submitted, and having considered the arguments of the parties, and for all the reasons set forth on the record and in the written opinion, and for other good cause having been shown;

It is on this 6th day, **JULY 2017 ORDERED** that:

1. Plaintiffs' petition for a temporary injunction is **GRANTED** regarding the following:
 - a. Battalion Chief promotions, and
 - b. Elimination of terminal leave under \$15,000.

2. Plaintiffs' petition for a temporary injunction is **DENIED** regarding the following:
 - a. Deputy Chief promotions, and
 - b. Implementation of a 56-hour work week utilizing the 3/4 Schedule.
3. The recently promoted Battalion Chiefs may remain in their roles in a permanent capacity. The recently promoted Deputy Chiefs may remain in their roles in an "acting" capacity, pending permanent appointment in compliance with the Civil Service Clause of the New Jersey Constitution, which shall be completed within 90 days.
4. In the event the Fire Chief determines that public safety is compromised by the 3/4 Schedule, the Court permits the Fire Chief to revert back to the 24/48 Schedule.
5. The parties are ordered to maintain open lines of communication and meet a minimum of once a week in-person to discuss all issues relevant to the ACFD and the instant litigation. In addition to the parties to this litigation, these meetings shall include senior management of the ACFD and the City Administrator. These meetings shall include discussions of the proper staffing level for the ACFD.
6. The Court will hold a telephonic case management conference on **Monday, August 14, 2017 at 3:00PM**. Plaintiffs' counsel will initiate the call.

Date: 7/6/17



Hon. Julio L. Mendez, A.J.S.C.