

P.E.R.C. NO. 2011-59

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF FRANKLIN,

Petitioner,

-and-

Docket No. SN 2011-025

FRANKLIN TOWNSHIP PBA LOCAL NO. 154,
SUPERVISORY OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission determines that the work schedules of police officers represented by Franklin Township PBA Local No. 154, Supervisory Officers Association may be submitted to interest arbitration. Relying on its analysis in P.E.R.C. No. 2011-48, the Commission holds that it cannot conclude from the recommendation of the Township of Franklin's consultants that either the current work schedule or negotiations over a different work schedule would significantly interfere with the Township's ability to meet its governmental policy need to provide effective law enforcement services.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Petitioner, DeCotiis, Fitzpatrick & Cole, LLP,
attorneys (Avis Bishop-Thompson, of counsel)

For the Respondent, Klatsky Sciarabone & De Fillippo,
attorneys (David J. De Fillippo, of counsel)

DECISION

On September 24, 2010, the Township of Franklin petitioned for a scope of negotiations determination. The Township seeks a determination that the work schedule of police officers holding the ranks of sergeant and lieutenant and represented by Franklin Township PBA Local No. 154, Supervisory Officers Association, is non-negotiable in light of an express contract provision and governmental policy. We recently ruled on the identical language in a case involving the Township's police officers holding ranks below sergeant, P.E.R.C. No. 2011-48, ___ NJPER ___ (¶ _____ 2010). That decision, holding that the work schedule was

mandatorily negotiable and could be the subject of interest arbitration, is controlling.

The Township's legal arguments are identical to the ones it made in P.E.R.C. No. 2011-48. The text of Article 7C of the SOA agreement is a word-for-word match of the language of Article 6C of the PBA agreement that we considered in P.E.R.C. No. 2011-48.^{1/} Therefore, we make the same ruling for the reasons stated in that case.

ORDER

The current work schedule and any proposal to change the current work schedule is mandatorily negotiable.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Bonanni, Eaton, Eskilson and Voos voted in favor of this decision. None opposed. Commissioner Colligan recused himself. Commissioner Krengel was not present.

ISSUED: February 3, 2011

Trenton, New Jersey

1/ The scope of negotiations petition requires the filing party to list other recently or simultaneously filed petitions, including other scope of negotiations petitions. When it filed this petition on September 24, 2010, the Township did not refer to SN-2011-011, the petition it had previously submitted on August 9 that resulted in P.E.R.C. No. 2011-48.