

I.R. NO. 92-19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF LINDEN,

Petitioner,

-and-

Docket No. SN-92-86

LINDEN PBA LOCAL #42,

Respondent.

SYNOPSIS

A Commission designee temporarily restrained, in part, an arbitration brought by Linden PBA Local 42 against the City of Linden. The City had changed the hours of the shift for detectives in the juvenile bureau and created a periodic alteration of this shift to accommodate an irregularly scheduled school program. The City's changing of the hours of the bureau was in response to a legitimate manning need of the police force and was not negotiable. To the extent that officers' schedules were intermittently altered to accommodate the school program, the arbitration was allowed to go forward.

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Appearances:

For the Petitioner,
Gerald L. Dorf, P.C., attorneys
(John C. Scannell, on the brief)

For the Respondent,
Simon M. Bosco Associates

INTERLOCUTORY DECISION

On March 11, 1992, the City of Linden filed a scope of negotiations petition with the Public Employment Relations Commission seeking to restrain an arbitration brought by PBA Local 42. The City now seeks an interim restraint of the arbitration scheduled for June 19, 1992 pending a final Commission decision.

The scheduled arbitration concerns a new afternoon shift for members of the juvenile bureau instituted by the City. I am satisfied that the shift change was a managerial prerogative and is neither negotiable nor arbitrable. The arbitration is restrained as to this aspect of Local 42's demand for arbitration. City of Newark, P.E.R.C. No. 88-137, 14 NJPER 442 (¶19181 1988).

However, Local 42 also contests the periodic alteration of the new shift to accommodate an irregularly scheduled school program, DARE.

The City's right to alter the hours of operation of the juvenile bureau and to determine staffing levels does not give it an unfettered right to schedule individual work schedules unilaterally. So long as the employer's coverage needs are met, the employees have a right to negotiate over who works what hours and how much they are paid for those hours. Local 195; New Jersey Sports and Exposition Auth., P.E.R.C. No. 87-143, 13 NJPER 492 (118181 1987), aff'd App. Div. Dkt. No. A-4781-86T8 (2/25/88).

It is not clear on the record before me that the employees concern about consistent schedules during a tour of duty cannot be accommodated with the employer's right to assign officers to the DARE program. This allegation is mandatorily negotiable. Newark.

ORDER

The request of the City of Linden for an interim restraint of binding arbitration is granted to the extent that Local 42 seeks to challenge the City's decision to alter the hours of operation of the juvenile bureau and to require a certain number of detectives to work during those hours.



Edmund G. Genber
Commission Designee

Dated: June 10, 1992
Trenton, New Jersey