

L.D. NO. 89-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
LITIGATION ALTERNATIVE PROGRAM

In the Matter of

GLOUCESTER COUNTY (GLOUCESTER
COUNTY SHERIFF'S DEPARTMENT),

-and-

Docket No. L-89-1

F.O.P. LODGE NO. 97

Appearances:

For the County, James B. Cannon, Personnel Director

For the FOP, Markowitz & Richman, Esqs.
(Joel G. Scharff, Esq.)

LAP DECISION

On August 25, 1988, The County and FOP Lodge 97 jointly requested that a dispute concerning seniority be resolved through the Commission's Litigation Alternative Program. On September 23, 1988, I, as Commission designee, met with the parties in order to hear facts pertaining to the disputed issue. The parties decided to submit a joint statement of facts pertaining to the disputed issue.

It is mutually agreed that this decision is binding upon both parties.

The issue presented concerns the definition of "seniority" under the terms of the parties' collective negotiations agreement. The agreement provides that seniority shall be the determining factor for matters involving overtime, in accordance with

Article III, Section B(2), and for matters involving vacation pick as per Article XIII of the collective agreement. Under the current agreement, there are no other matters affected by seniority. A mid-contract modification of the current agreement, provides for seniority to be used as the determining factor for shift picks. The definition of "seniority" for shift picks is "certified time in the Civil Service title."

The instant dispute arose in May, 1988, regarding the processing of two grievances filed by superior officers pertaining to overtime. The first grievance found that the officers' total length of service with the County should be used as the basis for determining his relative seniority. As the result of the determination made in the first grievance, a second grievance was filed by another officer. The second grievance resulted in a determination that seniority would be determined on the basis of "certified time in the Civil Service title." The two grievances resulted in inconsistent seniority definitions.

In December, 1988, FOP Lodge No. 97 voted to endorse "certified time in the Civil Service title" as the method to define seniority under the terms of the collective negotiations agreement. This definition is the same as was adopted by the parties under the provisions of the mid-contract modifications reached in July, 1988.

The collective agreement provides no specific definition of seniority. The seniority definition calling for total length of service with the County was developed in response to the first

grievance filed in May, 1988, referred to above. However, the seniority definition providing for "certified time in the Civil Service title" was specifically adopted by a majority of the membership of Lodge No. 97 and was specifically agreed to by the County and the Lodge through negotiations which occurred as the result of the mid-contract modifier. Accordingly, the "certified time in a Civil Service title" definition was mutually developed and knowingly agreed to by the parties. Therefore, I find the "certified time in the Civil Service title" seniority definition to be the appropriate definition to be applied under the terms of the parties' collective negotiations agreement.



Stuart Reichman
Commission Designee

DATED: June 6, 1989
Trenton, New Jersey