

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MONTVILLE,

Petitioner,

-and-

Docket No. SN-84-32

MONTVILLE SUPERIOR OFFICERS
ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission holds illegal two clauses that Montville Superior Officers Association seeks to include in its successor collective negotiations agreement with the Township of Montville. The clauses would require the Township to give superior officers any holidays or insurance benefits it gave other employees including rank-and-file police officers with whom the Township also negotiates. As now worded, the two clauses technically constitute illegal parity clauses.

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Appearances:

For the Petitioner, Eismeier and Falcon, Esqs.
(Lawrence Eismeier, of Counsel)

For the Respondent, Loccke & Correia, P.A.
(Manuel A. Correia, of Counsel)

DECISION AND ORDER

On December 22, 1983, the Township of Montville ("Township") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. The Township seeks a determination whether the following two clauses in its 1982-83 collective negotiations agreement with the Montville Superior Officers Association ("Association") are mandatorily negotiable:

A. Article V - Holidays - "Section 4-In the event the employer shall declare, grant or create paid holidays in excess of those promulgated each year for employees and such time off shall equal or exceed three and one-half (3 1/2) hours, the Police Officers will be granted additional compensation accordingly, without need for further negotiations."

B. Article X - Insurance - "Section 3-In the event the employer shall provide new and/or improved insurance benefits to its other employees, the same shall be provided to employees covered by this Agreement, without need for further negotiations. If the employer provides insurance benefits to any

retired employees, the same will be provided to any employees covered by this Agreement, who have retired previously."

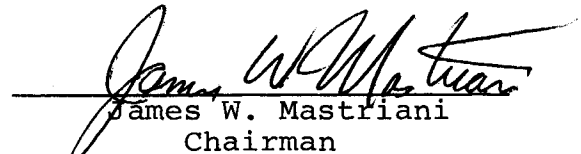
The Association, the majority representative of the Township's superior police officers, has proposed the inclusion of these clauses in a successor contract.

These two provisions are identical to the disputed provisions which we found to be technically illegal parity clauses, as now worded, in Township of Montville, P.E.R.C. No. 84-143, 10 NJPER ____ (¶ ____ 1984). We repeat that holding here for the reasons expressed in Montville. Both clauses, however, would be mandatorily negotiable if unambiguously clarified to limit their applicability to extensions of holiday and insurance benefits which the employer had unilaterally, without negotiations, granted other employees.

ORDER

Articles V and X, as now worded, are not mandatorily negotiable.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Butch, Newbaker, Suskin and Wenzler voted in favor of this decision. Commissioners Graves and Hipp voted against this decision. Commissioner Hipp voted no with respect to the finding that Article V-Holidays is an illegal clause.

DATED: Trenton, New Jersey
May 30, 1984
ISSUED: June 1, 1984