

P.E.R.C. NO. 85-52

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF TEANECK,

Petitioner,

-and-

Docket No. SN-84-107

PROFESSIONAL FIRE OFFICERS  
ASSOCIATION OF TEANECK,

Respondent.

SYNOPSIS

The Public Employment Relations Commission holds that a proposal that the Professional Fire Officers Association of Teaneck made during successor contract negotiations with the Township of Teaneck is not mandatorily negotiable. The proposal concerned exchanges of duty tours. The Commission found the proposal not mandatorily negotiable because it did not require that the prior approval of the fire department chief be obtained.

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Appearances:

For the Petitioner, Gerald L. Dorf, P.A.  
(Eric Martin Bernstein, on the Brief)

For the Respondent, Rinaldo & Rinaldo, Esqs.

DECISION AND ORDER

On May 14, 1984, the Township of Teaneck ("Teaneck") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. The petition seeks a determination that a proposal which the Professional Fire Officers Association of Teaneck ("Association") made during successor contract negotiations is a non-mandatory subject of negotiations. The Association seeks to modify the following provision, entitled Exchange of Tours, contained in the parties' contract:

Any employee covered by this Agreement may exchange a tour of duty with another employee covered by this Agreement (provided that both employees engaging in the exchange of tours are of the same rank) and provided that advance approval of this proposed exchange of tours of duty is given by the Chief or officer acting in his behalf, and further provided that no such exchange of tours shall be permitted when a fire emergency exists in the Township. However, in the event of a personal emergency, the Chief or his/her designated representative may entertain or may grant a request for exchange of tours between Lieutenants and Captains.

The Association's present proposal would modify Article X to provide:

Any employee covered by this Agreement may exchange a tour of duty with another employee covered by this Agreement (provided that both employees engaging in the exchange of tours are of the same rank) and provided that advance notification of exchange of tours of duty is submitted in writing 24 hours prior to the tour to be exchanged, and further provided that no such exchange of tours shall be permitted when a fire emergency exists in the Township. However, in the event of a personal emergency, the Chief or his designated representative may entertain and may grant a request for exchange of tours between Lieutenants and Captains.

The Township has submitted a brief and documents. The following facts appear.

The Association is the majority representative of all the Township's fire officers. The parties' last contract expired, and the parties are engaged in interest arbitration proceedings to reach a new one. The Association has proposed the above modification of the previous contract's provision concerning Exchange of Tours. The instant petition ensued.

Article X is mandatorily negotiable. See In re Town of Kearny, P.E.R.C. No. 82-12, 7 NJPER 456 (¶12202 1981). The instant proposal, however, would eliminate the Chief's right to approve or deny exchanges in advance and would only require that he be notified of any exchanges to be taken. In In re Town of Kearny, P.E.R.C. NO. 83-7, 8 NJPER 435 (¶13203 1982), we considered a proposal to exchange tours of duty which would have removed a requirement that the prior approval of the Chief of the fire department be obtained. We concluded that the proposal was not mandatorily negotiable and stated that "without these qualifications the limitation on management's prerogative to assign


employees is too substantial to require negotiations." The latter Kearny decision governs this case. See also, Bd. of Ed. Woodstown-Pilesgrove v. Woodstown-Pilesgrove Ed. Assn., 81 N.J. 582 (1980).

Accordingly, the proposed change in Article X is not mandatorily negotiable.

ORDER

The Association's proposed modification of Article X is not mandatorily negotiable.

BY ORDER OF THE COMMISSION

  
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James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Butch, Hipp, Newbaker, Suskin and Wenzler voted in favor of this decision. Commissioner Graves was opposed.

DATED: Trenton, New Jersey  
November 1, 1984  
ISSUED: November 2, 1984