

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF ROSELLE,

Petitioner,

Docket No. SN-80-114

-and-

ROSELLE BOROUGH P.B.A. LOCAL #99,

Respondent.

SYNOPSIS

The Chairman of the Commission denies a motion for reconsideration filed by the Borough of Roselle in a scope of negotiations proceeding. The Chairman had earlier determined that an issue concerning the changing of a work schedule of certain police officers from a 4 days on - 2 days off work schedule to a 5 days on - 2 days off work schedule was mandatorily negotiable. The Borough sought reconsideration of this decision contending that there was essentially no change in the total work year of employees whose schedules were to be changed because those employees received compensatory time off. The Chairman held that whether or not there is an increase in days worked per year the change from a 4-2 to a 5-2 obviously affects the days worked in one week and is therefore mandatorily negotiable.

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Appearances:

For the Petitioner, Weinberg, Manoff & Dietz, Esqs.
(Mr. Richard J. Kaplow, of Counsel)

For the Respondent, Nichols & Blackman, Esqs.
(Mr. Robert Bradley Blackman, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On April 25, 1980 the undersigned issued a decision and order denying the request of the Borough for a permanent restraint of arbitration of a grievance. In re Borough of Roselle, P.E.R.C. No. 80-137, 6 NJPER ____ (¶ 1980). The dispute involved the negotiability and arbitrability of a change in the work schedule of certain police officers from a 4 days on - 2 days off work schedule to a 5 days on - 2 days off work schedule. The undersigned determined that the work schedule was mandatorily negotiable and therefore arbitrable and further noted that the matter would be arbitrable even if the issue were only permissively as opposed to mandatorily negotiable.

On May 12, 1980 the Borough submitted a motion for reconsideration and a certification in support thereof in

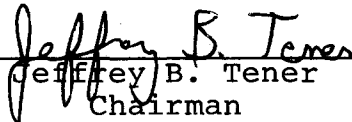
accordance with N.J.A.C. 19:13-3.11 and 19:14-8.4. The supporting certification asserts that there is essentially no change in the total work year of employees whose schedules were changed because those employees receive compensatory time off. The P.B.A. has not filed any response.

The Borough's motion is denied. The initial decision was not dependent upon an assumption that employees would work more days under a 4-2 schedule than under a 5-2 schedule. See note 3, p. 4 of slip opinion where the Appellate Division's reversal of PERC's Irvington decision ^{1/} is discussed:

The Irvington and Garfield decisions are distinguishable from the instant matter inasmuch as they relate to the issue of the rotation of shifts while the instant matter concerning the 4/2 work week issue directly relates to the number of hours that a police officer would work in one day and the number of days that an officer would work in one week. (Emphasis supplied)

Thus, whether or not there is an increase in days worked per year, the change from a 4-2 to a 5-2 work schedule obviously affects the days worked in one week and is, therefore, mandatorily negotiable.^{2/}

BY ORDER OF THE COMMISSION



 Jeffrey B. Tener
 Chairman

DATED: Trenton, New Jersey
 June 4, 1980

^{1/} In re Town of Irvington, P.E.R.C. No. 78-84, 4 NJPER 251 (¶4127 1978), PERC rev'd 170 N.J. Super. 532 (App. Div. 1979), pet. for certif. den. 82 N.J. 296 (1980).

^{2/} See cases cited in notes 3 and 4 of the initial decision.