

P.E.R.C. NO. 93-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. ID-92-5

P.B.A. LOCAL NO. 109, HUDSON COUNTY  
SUPERIOR OFFICERS ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that a contract proposal made by P.B.A. Local No. 109, Hudson County Superior Officers Association during successor contract negotiations with the County of Hudson is non-economic for purposes of interest arbitration. The proposal concerns how an employee gets to and from the hospital after a work-connected injury or illness.

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Appearances:

For the Petitioner, Genova, Burns & Schott, attorneys  
(Stephen E. Trimboli, of counsel)

For the Respondent, Loccke & Correia, attorneys  
(Manuel A. Correia, of counsel)

DECISION AND ORDER

On June 2, 1992, the County of Hudson petitioned for an issue definition determination. The County seeks a determination that a successor contract proposal submitted by P.B.A. Local No. 109, Hudson County Superior Officers Association is economic for purposes of interest arbitration.

The County has filed exhibits and a statement. We do not consider the PBA's untimely brief. These facts appear.

Local No. 109 represents the County's superior rank corrections officers below the rank of warden who are assigned to the County jail or penitentiary. The parties entered into a collective negotiations agreement which expired on December 31, 1991. They have engaged in successor contract negotiations

and Local No. 109 has petitioned to initiate interest arbitration. In its petition, Local No. 109 identified Article XVIII, Section 18.6(e) as non-economic. This section provides:

In the event hospitalization or emergency treatment is required for a work-connected injury or illness, the Employer shall provide transportation to and from the medical facility.

This petition ensued.

N.J.S.A. 34:13A-16(f)(1) provides that in interest arbitration, each party's economic proposals are to be presented in one economic package while each party's non-economic issues are to be presented separately. N.J.S.A. 34:13A-16(f)(2) defines economic issues:

Economic issues include those items which have a direct relation to employee income including wages, salaries, hours in relation to earnings, and other forms of compensation such as paid vacation, paid holidays, health and medical insurance, and other economic benefits to employees.

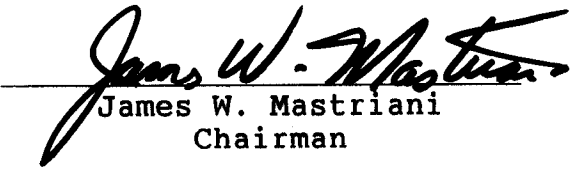
We have held that this definition encompasses provisions prohibiting the use of police vehicles to pick up or drop off officers at home; setting an automobile allowance; and increasing the reimbursement costs for using personal cars for business. See, respectively, Bor. of River Edge, P.E.R.C. No. 91-50, 17 NJPER 2 (¶22001 1990); Union Cty., P.E.R.C. No. 81-130, 7 NJPER 329 (¶12146 1981); Essex Cty., P.E.R.C. No. 80-101, 6 NJPER 93 (¶11048 1980). But we believe that proposed section 18.6(e) is different in kind and degree. The provisions found to be economic involve regularly recurring expenses of getting to and from work and using one's own

car on the employer's business -- the provisions were designed to increase or reduce the employees' economic share of these expenses. Compare Morris Cty., P.E.R.C. No. 83-31, 8 NJPER 561 (¶13259 1982), aff'd App. Div. Dkt. No. A-795-82T2 (1/12/84), certif. den. 97 N.J. 672 (1984) (employees losing use of County vehicles for commuting suffered economic loss). Proposed section 18.6(e) is a limited requirement that the employer transport an employee suffering a work-connected injury or illness to and from the medical facility -- it primarily concerns the issue of how an employee gets to and from the hospital. Any relation to employee income is too indirect to warrant classification as an economic item under N.J.S.A. 34:13A-16(f)(2).

ORDER

Article XVIII, Section 18.6(e) is non-economic for purposes of interest arbitration.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Bertolino, Goetting, Smith and Wenzler voted in favor of this decision. None opposed. Commissioners Grandrimo and Regan were not present.

DATED: November 25, 1992  
Trenton, New Jersey  
ISSUED: November 25, 1992