

P.E.R.C. NO. 88-78

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEEHAWKEN FMBA LOCAL #26,

Petitioner,

-and-

Docket No. ID-88-5

TOWNSHIP OF WEEHAWKEN,

Respondent.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, determines that the following proposals made by the Township of Weehawken should be classified as "economic" for the purposes of interest arbitration: clothing allowance; compensation for temporary work in higher ranks; bereavement leave; paid union leaves of absence; and leave time upon changing shifts.

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Appearances:

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

For the Respondent, Robert S. Feder, Esq.

DECISION AND ORDER

On November 13, 1987, Weehawken FMBA Local #26 ("FMBA") filed a Petition for Issue Definition Determination. The petition seeks a determination that proposals made by the Township of Weehawken ("Township") should be classified as economic issues for the purposes of interest arbitration pursuant to N.J.S.A. 34:13A-16(f)(2).

Both parties have filed statements of position.

N.J.S.A. 34:13A-16(f)(2) defines an economic issue for purposes of interest arbitration:

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.

The FMBA asserts that these proposals, submitted by the Township as non-economic issues, are economic.

1. Reduction in the clothing allowance from \$425.00 to \$125.00 per year. (Article 11)

2. An employee serving in a higher rank will receive the salary, but not any other benefits of the higher rank. (Article 12)

3. Classifying aunts and uncles as "close relatives", rather than "immediate family" for purposes of the Bereavement Leave article. Employees are granted up to two days leave with pay for funerals of immediate family. They are allowed to switch from day shift to night shift to attend funerals of "close relatives." (Article 16)

4. Limiting to one, the number of officers of the FMBA granted paid time off to attend, on 24 hours notice, the FMBA's local or state meetings or conventions or to attend to other FMBA business and clarifying that such leave will not be granted for social functions. (Article 31 C-1)

5. Providing that one week is the maximum advance notice (72 hours would remain the minimum) of a request for a special leave with pay. The provision would also be amended to provide that if the employee who agrees to work in place of the employee on special leave, fails to appear for his shift, the employee on special leave will owe one vacation day. (Article 22)

A reduction in a clothing allowance is an economic proposal. The Township's assertion that it would have no net impact should be made to the arbitrator. A proposal's impact does not change its economic character. See Borough of Manasquan, P.E.R.C. No. 82-128, 8 NJPER 403 (¶13185 1982).

The same reasoning applies to the Township's proposed "clarification" of existing work in higher rank provisions. Even if the compensation for such an assignment is limited to wages only, the issue is still economic.

The change in the classification of aunts and uncles for bereavement leave purposes is economic. See Township of Millburn, P.E.R.C. No. 84-109 10 NJPER 223 (¶15112 1984); Township of Washington, P.E.R.C. No. 83-142 9 NJPER 285 (¶14133 1983).

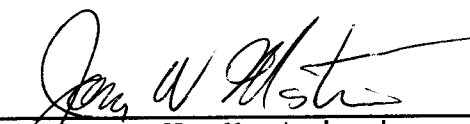
Paid leaves of absence for union officials to attend organizational meetings and activities are economic for purposes of interest arbitration. County of Essex and N.J. State P.B.A. Local 54, P.E.R.C. No. 85-41, 10 NJPER 624 (¶15298 1984). This proposal is analogous since it would limit the number of persons eligible for such leaves and the activities for which paid leave is available.

Essex Cty, P.E.R.C. No. 86-45, 11 NJPER 678 (¶16233 1985) found economic a proposal to grant an employee additional administrative leave upon a change in shift or tour of duty. Here the employee could suffer a loss of leave time on changing shifts, if coverage falls through. The provision is thus an economic issue for interest arbitration. Acting pursuant to authority delegated to me by the full Commission, I enter this order.

ORDER

Proposals 1 through 5 in the Township's "Non-Economic package are economic for purposes of interest arbitration.

BY ORDER OF THE COMMISSION

  
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James W. Mastriani  
Chairman

DATED: Trenton, New Jersey  
March 3, 1988