

P.E.R.C. NO. 94-112

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of  
COUNTY OF HUDSON,

Petitioner,

-and-

Docket No. SN-93-99

PBA LOCAL NO. 109,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies reconsideration of P.E.R.C. No. 94-87, 20 NJPER 88 (¶25041 1994). In that decision, the Commission held mandatorily negotiable a successor contract proposal of Hudson County PBA Local No. 109 concerning minimum pay for court appearances. The Commission finds no basis to reconsider its decision that this provision is, in the abstract, mandatorily negotiable. Since this dispute did not arise within a specific factual context, the Commission declines the County's request that it address the assignment of overtime work necessitated by an emergency or staffing needs.

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Appearances:

For the Petitioner, Genova Burns, attorneys  
(Stephen E. Trimboli, of counsel; Joseph Licata, on the  
brief; Stephen E. Trimboli, on the motion for  
reconsideration)

For the Respondent, Klausner, Hunter, Cige & Seid, attorneys  
(Stephen B. Hunter, of counsel)

DECISION AND ORDER

On March 4, 1994, the County of Hudson moved for  
reconsideration of our decision in P.E.R.C. No. 94-87, 20 NJPER 88  
(¶25041 1994). In that decision, we held mandatorily negotiable  
this successor contract proposal of Hudson County PBA Local No. 109:

a. Court Appearance. The County shall pay all  
employees for appearance in Municipal Court, County  
and Superior Court, Juvenile Court, Grand Jury and  
A.B.C. proceedings, on their own time at time and  
one-half (1-1/2) with a (4) hour minimum. Employees  
shall submit, in writing, all time spent in Court to  
the Officer in Charge.

b. Employees may not be retained for purpose of  
attaining the minimum of four hours if the  
appearance requires less time.

We held that the proposal:

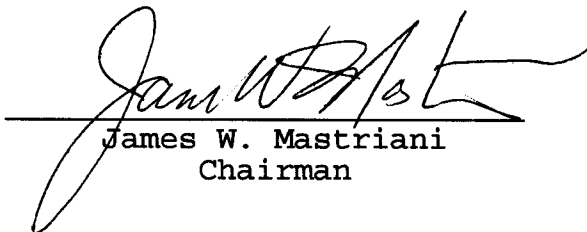
is mandatorily negotiable because it is significantly tied to the relationship between the rate of pay and the number of hours worked. See Woodstown-Piles Grove Reg. Sch. Dist. v. Woodstown-Piles Grove Reg. Ed. Ass'n, 81 N.J. 582, 591 (1980).

We find no basis to reconsider our decision that this provision is, in the abstract, mandatorily negotiable. Since this dispute did not arise within a specific factual context, we decline the County's request that we address the assignment of overtime work necessitated by an emergency or staffing needs.

ORDER

Reconsideration is denied.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Bertolino, Klagholz and Smith voted in favor of this decision. Commissioners Goetting and Regan voted against this decision. Commissioner Wenzler was not present.

DATED: May 25, 1994  
Trenton, New Jersey  
ISSUED: May 26, 1994