

P.E.R.C. NO. 94-34

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF NORTH BERGEN,

Petitioner,

-and-

Docket No. SN-93-94

NORTH BERGEN PBA LOCAL 18,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds that a proposal of North Bergen PBA Local 18 in successor contract negotiations with the Township of North Bergen is not mandatorily negotiable. The proposal concerns the allocation of personnel to patrol cars. The Commission finds that the question of who allocates personnel to patrol cars is not mandatorily negotiable.

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Appearances:

For the Petitioner, Ruderman & Glickman, P.C., attorneys
(Mark S. Ruderman, of counsel; Ellen M. Horn, on the brief)

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

DECISION AND ORDER

On April 21, 1993, the Township of North Bergen petitioned for a scope of negotiations determination. The Township asserts that a successor contract proposal submitted by North Bergen PBA Local 18 is not mandatorily negotiable. That proposal concerns the allocation of personnel to patrol cars.

The Township has filed a brief and the parties' predecessor contract. These facts appear.

The PBA represents the Township's police officers. The parties entered into a collective negotiations agreement effective from January 1, 1990 through December 31, 1992. Article V is entitled Work Day, Work Schedule, Manpower and Patrol Cars. Section B provides:

During the day shift (8:00 a.m. to 4:00 p.m.),

the Chief [or] Tour Commander shall allocate personnel to patrol cars depending on the needs of the Department.


During successor contract negotiations, the PBA proposed that Section B be amended to cover all shifts. This petition ensued.

The Township asserts that the question of who allocates personnel to patrol cars is not mandatorily negotiable. We agree. It is up to management to designate who will make such determinations. See, e.g., Hudson Cty., P.E.R.C. No. 93-37, 19 NJPER 3 (¶24002 1992); Borough of Butler, P.E.R.C. No. 89-87, 15 NJPER 155 (¶20064 1989); Brookdale Comm. College, P.E.R.C. No. 84-84, 10 NJPER 111 (15058 1984).

ORDER

Article V, Section B is not mandatorily negotiable.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Bertolino, Goetting, Grandrimo, Regan, Smith and Wenzler voted in favor of this decision. None opposed.

DATED: September 24, 1993
Trenton, New Jersey
ISSUED: September 24, 1993