

P.E.R.C. NO. 90-94

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SCOTCH PLAINS TOWNSHIP,

Petitioner,

-and-

Docket No. SN-90-30

SCOTCH PLAINS PBA LOCAL 87,

Respondent.

SYNOPSIS

The Public Employment Relations Commission finds not mandatorily negotiable portions of a proposal concerning promotions. The Commission finds mandatorily negotiable a portion of the proposal dealing with checking the accuracy of promotional examination scores.

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Appearances:

For the Petitioner, DeMaria, Ellis & Hunt, attorneys  
(Richard H. Bauch, of counsel)

For the Respondents, Loccke & Correia, attorneys.  
(Michael J. Rappa, of counsel)

DECISION AND ORDER

On December 22, 1989, Scotch Plains Township petitioned for a scope of negotiations determination. The Township seeks a determination that portions of a negotiations proposal made by PBA Local 87 are not mandatorily negotiable.

The parties have filed briefs and documents. These facts appear.

The PBA represents the Township's police. A collective negotiations agreement between the Township and the PBA expired on December 31, 1989. The PBA petitioned to initiate interest arbitration, listing a "Promotional Procedure" proposal as an unresolved issue. The Township filed this petition contending that the following portions of that proposal are not mandatorily negotiable:

PROMOTIONAL PROCEDURE

Where there is a decision made to affect promotions, the Employer shall as a condition precedent to said promotions provide the following information to the employee organization:

\* \* \*

(I) Before any promotion procedure is instituted which will include written or oral examination, the following but not limited to, shall be mutually agreed upon between the PBA and the Township and made part of this Agreement:

(1) Who will prepare the written examination? Will the test be prepared internally or conducted by an outside agency?

(2) Who will sit on the panel for an oral examination?

(3) What weight will scores have in the written or oral examination portion of the testing towards standings?

(4) Will seniority carry any weight in standings?

(5) Will any other Police related work be used to effect the scoring in the standing procedure?

\* \* \*

(7) Will the PBA be permitted to check all scores for their accuracy?

\* \* \*

(9) Who will be eligible to take tests for certain positions?

We have considered identical language today in Fair Lawn Bor., P.E.R.C. No. 90-93, 16 NJPER \_\_\_\_ (¶ \_\_\_\_ 1990). We find sections 1 through 5, and 9 not mandatorily negotiable and section 7 mandatorily negotiable for the reasons stated in that decision.

ORDER

Sections 1 through 5, and 9 of paragraph I are not mandatorily negotiable. Section 7 of paragraph I is mandatorily negotiable.

BY ORDER OF THE COMMISSION

  
\_\_\_\_\_  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Bertolino, Johnson, Reid, Ruggiero, Smith and Wenzler voted in favor of this decision. None opposed.

DATED: Trenton, New Jersey  
April 25, 1990  
ISSUED: April 26, 1990