

P.E.R.C. NO. 83-101

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SUSSEX,

Petitioner,

-and-

Docket No. SN-82-37

SUSSEX CORRECTIONS OFFICERS
P.B.A. LOCAL 138,

Respondent.

SYNOPSIS

The Public Employment Relations Commission denies a Motion for Reconsideration of its decision in P.E.R.C. No. 83-92, 9 NJPER ____ (¶ ____ 1982).

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Appearances:

For the Petitioner, Yauch, Peterpaul & Clark, Esqs.
(Thomas P. Vitolo, of Counsel)

For the Respondent, Loccke & Correia, Esqs.
(Richard D. Loccke, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On December 24, 1981, the County of Sussex ("County") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. The County contended that a salary step system which the Sussex County Corrections Officers P.B.A. Local 138 ("PBA") had proposed, an interest arbitrator had adopted, and the Superior Court had confirmed, was not mandatorily negotiable.

On December 15, 1982, we issued a decision holding that the salary step system was mandatorily negotiable. P.E.R.C. No. 83-92, 9 NJPER ____ (¶ ____ 1982). We specifically rejected the County's contention that Civil Service statutes preempt negotiation over a salary step system.

On January 5, 1983, the County filed a Motion for Reconsideration. It reasserts its argument that Civil Service

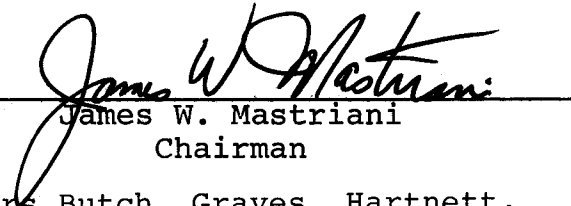
statutes, specifically N.J.S.A. 11:24-3, preempt negotiation of the aforementioned salary schedule.

We deny the instant Motion for Reconsideration. We repeat our determination that N.J.S.A. 11:24-3 does not specifically prohibit the adoption of a salary step system. We further believe that the salary step system does not restrict or preclude the employer's ability to evaluate the merit and efficiency of its employees.

ORDER

The Motion for Reconsideration is denied.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Butch, Graves, Hartnett, Newbaker and Suskin voted in favor of this decision. None opposed. Commissioner Hipp was not present.

DATED: Trenton, New Jersey
January 19, 1983

ISSUED: January 20, 1983