

P.E.R.C. NO. 85-41

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF ESSEX,

Petitioner,

-and-

Docket No. ID-84-18

NEW JERSEY STATE PBA LOCAL  
54 (ESSEX COUNTY POLICE),

Respondent.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, finds a proposal of the New Jersey State PBA Local 54 (Essex County Police) to be an economic issue within the meaning of N.J.S.A. 34:13A-16(f)(2) for purposes of interest arbitration. The proposal would allow the PBA president to be excused from active duty to perform his official PBA duties.

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Appearances:

For the Petitioner, David H. Ben-Asher, County Counsel  
(Elaine K. Hyman, Asst. County Counsel, of Counsel)

For the Respondent, Russell A. Vassallo, Esq.

DECISION AND ORDER

On June 5, 1984, the County of Essex ("County") filed a Petition for Issue Definition Determination with the Public Employment Relations Commission. The petition seeks a determination that a proposal of the New Jersey State PBA Local 54 (Essex County Police) ("PBA") should be classified as an economic issue for purposes of interest arbitration pursuant to N.J.S.A. 34:13A-16(f)(2). The proposal would allow the PBA president to be excused from active duty to perform his official PBA duties.

Both parties have filed statements. The PBA asserts that its proposal is non-economic in nature; the County asserts it is economic.

Pursuant to N.J.S.A. 34:13A-6(f), the full Commission has delegated authority to me to apply well-settled case law to decide this case. Doing so, I hold that the proposal is economic within the meaning of N.J.S.A. 34:13A-16(f)(2).

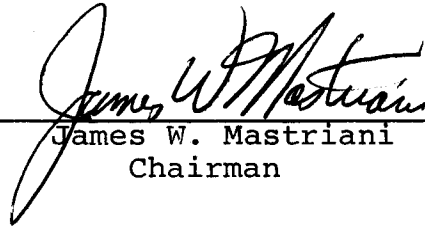
N.J.S.A. 34:13A-16(f)(2) provides:

In the event of a dispute, the commission shall have the power to decide which issues are economic issues. 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.

In In re Township of Springfield, P.E.R.C. No. 80-86, 6 NJPER 35 (¶11018 1980), the Commission held that a proposal allowing paid time off for the PBA president, delegate, and two convention delegates and other union officers to attend PBA conventions and all union functions was an economic issue within this statutory definition. The PBA attempts to distinguish this case by asserting that the instant proposal affects only one police officer and the proposal would benefit both the employer and employee organization. The number of officers affected, however, does not change the character of the proposal Springfield classified as economic. The proposal is in essence a paid leave of absence from the duties of police officer, similar to a paid vacation leave, which the statute specifies is an economic issue. The argument that the proposal would benefit both parties also does not change its economic nature and goes solely to the wisdom of granting the proposal benefit. Accordingly, applying Springfield, I find that the instant proposal presents an economic issue within the meaning of N.J.S.A. 34:13A-16(f)(2).

ORDER

The proposal of the PBA that the PBA president be excused from active duty in order to attend to the business of his office as PBA president is an economic proposal for purposes of interest arbitration.



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James W. Mastriani  
Chairman

DATED: Trenton, New Jersey  
October 19, 1984