

P.E.R.C. NO. 83-132

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HILLSIDE,

Petitioner,

-and-

Docket No. SN-83-48

HILLSIDE PBA LOCAL #70,  
INC.,

Respondent.

SYNOPSIS

The Public Employment Relations Commission holds that proposals concerning the installation of emergency and alley lights on police cars and the maintenance, cleaning, and comfort of employee locker rooms are mandatorily negotiable. The Commission also holds that the installation of a detention cage in or near the report room is not a mandatorily negotiable term and condition.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF HILLSIDE,

Petitioner,

-and-

Docket No. SN-83-48

HILLSIDE PBA LOCAL #70,  
INC.,

Respondent.

Appearances:

For the Petitioner, Miller & Menaker, Esqs.  
(Laurence N. Miller, On the Brief)

For the Respondent, Loccke & Correia, Esqs.  
(Manuel A. Correia, of Counsel)

DECISION AND ORDER

On December 17, 1982, the Township of Hillside ("Township") filed a Petition for Scope of Negotiations Determination with the Public Employment Relations Commission. The Township contends that three proposals which the Hillside PBA Local #70 ("PBA") seeks to submit to interest arbitration are not mandatorily negotiable.<sup>1/</sup> Both parties have filed briefs.

On November 22, 1982, the PBA filed a petition for compulsory interest arbitration. Attached to this petition are the PBA's contract proposals including:

<sup>1/</sup> The petition initially sought a determination of the negotiability of three other subjects -- replacement of police vehicles, placement of C.P.R. units in police cars, and promotions -- which the PBA has since withdrawn from the table. We do not address their negotiability.

1. The installation of more effective overhead emergency and alley lights in police vehicles.
2. The elimination of the following alleged conditions in the employees' locker room: hanging electrical wires, insufficient lighting, insects, rusted shower stalls, and no hot water.
3. The installation of a cage in or near the report room of the Township municipal building for the protection of the officers.

The Township responded with the instant petition.

The Township contends that the items in dispute substantially limit governmental policy-making powers and are thus not mandatorily negotiable. It cites Local 195, IFPTE v. State of New Jersey, 176 N.J. Super. 85 (App. Div. 1980) and Paterson Police PBA v. City of Paterson, 87 N.J. 78 (1981).

The PBA maintains that these proposals predominantly relate to the employees' health, safety, and comfort and are therefore mandatorily negotiable. The PBA relies on In re Town of Kearny, P.E.R.C. No. 82-12, 7 NJPER 456 (¶12202 1981); In re Township of Saddle Brook, P.E.R.C. No. 78-72, 4 NJPER 192 (¶4097 1978); In re Township of Hillside, P.E.R.C. No. 78-59, 4 NJPER 159 (¶4076 1970) ("Hillside") and In re PBA Local 99, Roselle Police, P.E.R.C. No. 77-66, 3 NJPER 166 (1977) ("Roselle").

In making this scope of negotiations determination, we will consider only whether the three disputed proposals are mandatorily negotiable. It is our policy not to decide whether contract proposals, as opposed to contract grievances, are permissively negotiable since the employer has no obligation to negotiate over such proposals or to consent to their submission

to interest arbitration. In re Town of West New York, P.E.R.C. No. 82-34, 7 NJPER 594, 597 (¶12665 1981).

The first issue concerns the installation of more effective overhead emergency and alley lights in police vehicles. In In re Middlesex County, App. Div. Docket No. A-3564-78 (June 16, 1980), affirming in pertinent part P.E.R.C. No. 79-80, 5 NJPER 194 (¶1011 1979), the Court held that the equipping and repair of police vehicles are mandatorily negotiable to the extent they directly relate to employee health and safety. The Court, however, found non-negotiable such matters as the make, model, color, and engine size of the police vehicles. See also Hillside; Roselle. We are convinced, in the instant case, that the proposed installation of more effective emergency and alley lights relates directly and concretely to a police officer's health and safety. There is no apparent limitation on the Township's right to select police vehicles of its choice. Consequently, this proposal is mandatorily negotiable.


The second proposal concerns eliminating certain allegedly unsafe, unclean, or uncomfortable conditions in the police officers' locker room. We have repeatedly held, once in a case involving these same parties, that the maintenance of locker rooms in a safe, clean, and comfortable condition is a mandatorily negotiable term and condition of employment. Hillside; Kearny. See also In re Byram Twp. Bd. of Ed., P.E.R.C. No. 76-27, 2 NJPER 143 (1976), aff'd 152 N.J. Super. 12, 28-30 (App. Div. 1977). These cases establish the negotiability of the instant proposal.

The third proposal in dispute would provide for the installation of a cage in or near the report room of the Township municipal building for the protection of the officers. The PBA claims in particular that the installation of such a cage "...would safeguard not only the police officers, but the prisoners who are detained in the Township municipal building as well as the general citizenry who are obviously privy to the municipal building and should not be placed in a position where they must confront at times prisoners who are awaiting proper legal procedures prior to confinement." On the record before us, however, we are not persuaded that this proposal predominantly concerns employee safety rather than such sensitive management policy concerns as how to treat detained citizens when charges against them are being processed.

ORDER

The proposals of the Hillside PBA Local #70, Inc. concerning the installation of more effective emergency and alley lights and the maintenance of a clear, safe, and comfortable locker room are mandatorily negotiable and may be submitted to interest arbitration. The proposal concerning the installation of a cage in or near the report room is not mandatorily negotiable and may not be submitted to interest arbitration.

BY ORDER OF THE COMMISSION

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

Chairman Mastriani, Commissioners Hipp, Hartnett, Butch, Graves, Suskin and Newbaker voted for this decision. Commissioners Hipp and Graves dissented from that portion of the decision finding proposal #3 to be non-negotiable. None opposed.

DATED: Trenton, New Jersey  
 April 19, 1983

ISSUED: April 20, 1983