

P.E.R.C. NO. 79-50

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF CLARK,

Petitioner,

-and-

Docket No. SN-79-45

CLARK P.B.A. LOCAL #125,

Respondent.

SYNOPSIS

The Chairman of the Public Employment Relations Commission issues a decision in a scope of negotiations matter finding that the issue relating to a minimum complement of police officers on the road per shift is a permissive, not a required, subject for collective negotiations. The PBA was ordered to refrain from insisting to the point of impasse upon the inclusion of such a proposal in a negotiated agreement with the Township of Clark. This proposal could not be submitted to compulsory interest arbitration absent the agreement of both parties.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF CLARK,

Petitioner,

-and-

Docket No. SN-79-45

CLARK P.B.A. LOCAL #125,

Respondent.

Appearances:

For the Township of Clark,
Joseph J. Triarsi, Esq.

For the Clark P.B.A. Local #125,
Mr. Raymond Xifo, Chairman

DECISION AND ORDER

A Petition for Scope of Negotiations Determination was filed by the Township of Clark ("Township") with the Public Employment Relations Commission on December 21, 1978 disputing the negotiability of a matter which the Clark P.B.A. Local #125 ("PBA") was seeking to negotiate.

The parties are presently engaged in compulsory interest arbitration in accordance with Public Laws of 1977, Chapter 85. The Township filed its Statement of Position in this matter on January 2, 1979. The PBA filed a Positional Statement dated January 24, 1979.

The issue placed before the Commission for determination in this instant proceeding is the negotiability of the following

proposal: "a minimum of four men on the road for each shift." The Commission, pursuant to N.J.S.A. 34:13A-6(f), has delegated to the undersigned the authority to issue scope of negotiations decisions on behalf of the entire Commission when the negotiability of the particular issue or issues in dispute have previously been determined by the Commission. This particular expeditious procedure will enable parties to receive a decision concerning certain negotiability disputes shortly after positional statements or briefs have been received from the parties and will assist in the avoidance of protracted delays in the impasse resolution process affecting public employers and employee organizations.

The Commission in numerous decisions has determined that minimum manning provisions, i.e. proposals relating to the number of employees on a shift or in a department or, more generally, to the level of service and staff levels, are not required subjects of negotiations. See, In re Rutgers, The State University, P.E.R.C. No. 76-13, 2 NJPER 13 (1976); In re Borough of Roselle, P.E.R.C. No. 76-29, 2 NJPER 142 (1976); In re Newark Firemen's Union, P.E.R.C. No. 76-40, 2 NJPER 139 (1976); In re City of Jersey City, P.E.R.C. No. 77-33, 3 NJPER 66 (1977); In re Township of Weehawken, P.E.R.C. No. 77-63, 3 NJPER 175 (1977); In re Township of Saddle Brook, P.E.R.C. No. 78-72, 4 NJPER 192 (¶4097 1978); In re Town of Northfield, P.E.R.C. No. 78-82, 4 NJPER 247 (¶4125 1978); In re Township of Maplewood (FMBA), P.E.R.C. No. 78-89, 4 NJPER 258;

In re Township of Maplewood (PBA), P.E.R.C. No. 78-92, 4 NJPER 265, (¶4135 1978); and In re Cinnaminson Township, P.E.R.C. No. 79-5, 4 NJPER 310 (¶4156 1978). The Commission in these prior decisions has considered all the arguments raised by the PBA in the present case and has consistently ruled that minimum manpower provisions such as the proposals at issue in this case are only permissively negotiable. These proposals may not be insisted upon to the point of impasse, nor may they be submitted to compulsory interest arbitration absent mutual agreement of the parties.

In specific response to the PBA's contention that minimum manning provisions relate directly to the safety of police officers, the Commission has noted in prior manning cases that the impact of changes in manning practices on police officers' terms and conditions of employment, including, for example, employees' workload or safety, would be a required subject for collective negotiations.^{1/}

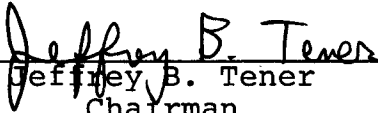
ORDER

Based upon the above discussion, it is hereby determined that the issue relating to a minimum complement of men on the road per shift is a permissive subject for collective negotiations. P.B.A. Local 125 is ordered to refrain from insisting to the point of impasse upon inclusion of such a proposal in a collectively

^{1/} See In re Newark Firemen's Union, supra, and In re Brookdale Community College Police Force, P.E.R.C. No. 77-53, 3 NJPER 156 (1977).

negotiated agreement with the Township of Clark. Such proposal may not be submitted to compulsory interest arbitration absent the agreement of both parties.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

DATED: Trenton, New Jersey
February 21, 1979