

P.E.R.C. No. 83-142

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF WASHINGTON,

Petitioner,

-and-

Docket No. ID-83-2

P.B.A. LOCAL 206 (WASHINGTON
TOWNSHIP UNIT),

Respondent.

SYNOPSIS

The Chairman of the Commission issues a decision in an issue definition determination proceeding between the Township of Washington and P.B.A. Local 206. The Chairman determines that three proposals of the PBA concerning bereavement leave, holidays, and work schedules are all economic in nature and must be presented as part of the parties' overall economic package.

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Appearances:

For the Petitioner, Marc H. Pfeiffer, Business
Administrator

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

DECISION AND ORDER

A Petition for Issue Definition Determination was filed by the Township of Washington with the Public Employment Relations Commission on November 16, 1982 to resolve a dispute with P.B.A. Local 206 (Washington Township Unit) ("PBA") as to whether certain issues are economic or non-economic as defined in N.J.S.A. 34:13A-16(f)(2). At the time the petition was filed, a Notice and Petition to Initiate Compulsory Interest Arbitration had been filed with the Commission in accordance with P.L. 1977, c. 85.

Pursuant to N.J.A.C. 19:16-6.1 et seq., the undersigned, as Chairman of the Commission, has been delegated the authority to render a written determination which classifies the disputed issues as economic or non-economic.

When the parties utilize fair and final offer arbitration pursuant to N.J.S.A. 34:13A-16(d), issues must be classified as economic or non-economic. The arbitrator must select between the parties' positions on all disputed economic issues on a package basis and their positions on all non-economic issues on an item-by-item basis. Section 3 of the Police and Fire Arbitration Act, N.J.S.A. 34:13A-16(f)(2), defines economic issues as follows:

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 its petition, the Township contends that a PBA proposal to increase the scope of persons upon whose death bereavement leave may be invoked is a non-economic issue. The issue has been identified as economic by the PBA in its proposal for interest arbitration. Two other issues listed by the PBA are alleged by the Township to be economic issues. They are a holiday clause which would increase the number of holidays listed in the contract as specific holidays and a proposal to compensate employees working a holiday at an overtime rate in addition to their holiday benefit. Also alleged to be an economic issue is the PBA's proposal to change the work schedule from a five days on, two days off schedule to a five days on, two days off, five days on, three days off schedule.

I believe the PBA was correct in listing its bereavement proposal as an economic issue. While the proposal may not

seek any increase in the number of days off or compensation an officer on bereavement leave would receive, the increased availability of such leave nonetheless provides an economic benefit to employees. The proposal is the same in character as a request to increase available sick leave. Both forms of leave may never be utilized by an employee during the given year. Nonetheless, the ability of an employee to take time off without loss of pay is well-recognized as an economic benefit to the employee. Thus, the PBA proposal on bereavement leave is an economic issue for purposes of interest arbitration.

I agree with the Township's position that the proposed changes in the holiday clause raise economic issues. There can be little doubt that granting an employee a day off with pay and increasing compensation for working on a holiday are direct economic benefits to that employee.

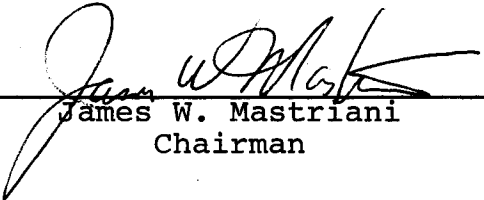
I also hold that the proposed schedule modification raises an economic issue. The Commission has previously addressed the question of schedule modification in In re PBA Local #73, Union County Police and County of Union, P.E.R.C. No. 82-45, 7 NJPER 630 (¶12281 1981). There, it found a change from a five on, two day off work schedule to a four day on, two day off work schedule "does have a direct relation to employee income since in virtually all instances it would change the amount of hours an employee works in relation to the salary the employee receives." The Commission made this determination notwithstanding

an argument by the PBA that the actual amount of hours an employee worked in a given year under the new schedule would differ only slightly from hours worked under the prior schedule. The Commission observed that if a change in the format of the work schedule would not significantly reduce hours worked by employees, the interest arbitrator was free to take that into account in making his overall economic award. The same reasoning applies to the work schedule proposal in the instant case.

ORDER

The proposals concerning bereavement leave, holidays, and work schedules are all economic in nature and must be presented as part of the parties' overall economic proposals.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

DATED: Trenton, New Jersey
April 26, 1983