

P.E.R.C. NO. 89-86

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER COUNTY BOARD OF
CHOSEN FREEHOLDERS,

Respondent,

-and-

Docket No. CO-H-88-14

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1085,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies Communications Workers of America, Local 1085's motion to reconsider P.E.R.C. No. 89-70. In that case, the Commission found that the Gloucester County Board of Chosen Freeholders violated the Act by changing the hours of first shift employees, but had a prerogative to add a third shift extending beyond 4:00 p.m. Extraordinary circumstances justifying reconsideration do not exist. CWA may seek future adjustments in these hours or a differential for the new shift.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLOUCESTER COUNTY BOARD OF
CHOSEN FREEHOLDERS,

Respondent,

-and-

Docket No. CO-H-88-14

COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 1085,

Charging Party.

Appearances:

For the Respondent, Gerald L. Dorf, Esq.

For the Charging Party, Richard A. Dann, President,
CWA, Local 1085

DECISION AND ORDER

On December 19, 1988, the Public Employment Relations Commission issued a decision on an unfair practice charge that Communications Workers of America, Local 1085 ("CWA") had filed against the Gloucester County Board of Chosen Freeholders ("County"). P.E.R.C. No. 89-70, 15 NJPER 69 (¶20026 1989). We found that the County violated the Act by changing the hours of first shift employees. We also found that to remedy unsanitary conditions cited in Department of Health inspection reports the County had a prerogative to add a third shift extending beyond 4:00 p.m.

On January 9, 1989, CWA moved for reconsideration of the holding concerning the third shift. It accepts the finding that the employer had a prerogative to add a third shift extending beyond

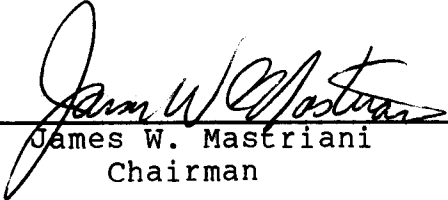
4:00 p.m. But it asserts that we should have found an unfair practice because the employer did not negotiate before setting the hours of the new shift.

Extraordinary circumstances justifying reconsideration do not exist. N.J.A.C. 19:14-8.4. As our opinion stated, CWA may seek future adjustments in these hours or a differential for the new shift. See Ocean Cty. Bd. of Health, P.E.R.C. No. 82-6, 7 NJPER 441 (¶12196 1981). Such proposals may be addressed in successor contract negotiations since the parties' previous agreement expired on December 31, 1988.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Bertolino, Johnson, Reid, Ruggiero, and Smith voted in favor of this decision. None opposed. Commissioner Wenzler was not present.

DATED: Trenton, New Jersey
February 10, 1989
ISSUED: February 14, 1989