

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Interest Arbitration Between

TOWNSHIP OF SPRINGFIELD,
Public Employer,

PERC Docket No.
IA-97-140

and

JS Case No. 2497

**LOCAL 76, SPRINGFIELD POLICE
BENEVOLENT ASSOCIATION and LOCAL
76A, SUPERIOR OFFICERS ASSOCIATION,**
Exclusive Representatives,

**OPINION
AND
SUPPLEMENTAL
AWARDS**

Re: Impasse on "Men-in-Blue" Issue.

Before **JOHN E. SANDS**, Impartial Arbitrator

OPINION

On December 14, 1998, I issued my Opinion and Awards in this interest arbitration proceeding. I disposed of all issues save one –compensation for outside employment– that the parties had agreed to hold in abeyance pending their efforts to reach voluntary agreement. The parties have failed in that effort and now invoke my retained jurisdiction to determine that issue. I do so in this Opinion and Supplemental Awards, which incorporate by reference my December 14, 1998 Opinion and Awards and the analysis in that document as if fully set forth here.

The Unions seek to increase the hourly rate charged for outside employment of “men in blue.”¹ Officers currently receive minimum hourly rates of \$15 for outside work for charitable organizations and \$25 for such work for all other organizations.²

The unions seek to increase those hourly rates by \$10 to \$25 and \$35, respectively. They argue that \$25 and \$35 are consistent with rates for such service in comparable communities, serve the interests and welfare of the public, are consistent with overall compensation of police personnel, have no financial impact on the community, and serve the continuity and stability of employment. The Township resists that effort and insists the rates remain as they are. It argues that higher rates will discourage outside organizations from using “men in blue” to serve their activities and thereby expose the public at large to potential accidents and hazards that supervision by off-duty police officers would prevent.

¹They have withdrawn their effort to limit the Township’s administrative fee to \$5.

²See Articles XXIX and XXVII (“Outside Employment”) of the PBA and SOA contracts.

I have applied the relevant statutory criteria to the record on this issue and conclude that officers of both bargaining units are entitled to the increase they seek. I reach that conclusion for the following reasons.

First, the relevant statutory criteria –Paragraphs 1, 2, 3, 6, and 8 of *N.J.S.A. 34:13a-16(g)*– require that result. Paragraph 1 considers the interests and welfare of the public. That criterion is served by encouraging off-duty police officers to provide supervision for private activities such as construction projects and events at local churches, synagogues and mosques that draw large crowds and heavy traffic. The Township correctly identifies the value of such service, but it wrongly expects officers to subsidize the public’s interest in having it available.

Paragraph 2 is the so-called “comparability” standard. The relevant comparisons are to the communities discussed in my December 14th Opinion and Awards. And the record clearly establishes that the \$25 and \$35 rates are more consistent with the norm than the existing rates that the Township seeks to keep.

Paragraph 3 requires consideration of overall compensation. The off-duty service at issue is, in effect, “overtime” service for the officers involved. They

have completed their day's or week's duty for the Township, and compensation for additional work should in fairness be at close to overtime rates. The \$25 and \$35 rates sought are much closer to the two units' average overtime rate than are the existing rates. Indeed, they are even consistent with the average straight-time rate.

Paragraph 6's criterion –“the financial impact on the governing unit, its residents and taxpayers”– is relevant in its absence of impact. The Unions' proposal has no financial impact at all on this community. At issue are the rates that outside organizations, *not the Township*, must pay officers for off-duty work. The Township pays these officers nothing so an increase will have no negative impact on the Township's finances or the services and programs it provides.

Paragraph 8 focuses on the continuity and stability of employment. To the extent that officers require additional compensation to meet personal and family financial needs like college tuition, they must have adequate earning opportunities. Absent such opportunities, they may be forced to seek other employment or employment inconsistent with the interests of the Township. The \$25 and \$35 rates sought will make those prospects less likely to occur.

Second, the remaining criteria of *N.J.S.A.* 34:13A-16(g) are irrelevant to this issue. There are no relevant stipulations of the parties, no questions of the Township's lawful authority, and no cost-of-living factors to consider.

Third, I reject the Township's argument as unpersuasive. All agree that the off-duty service at issue has value to the community and prevents potential accidents and hazards to the public. Higher costs may discourage using "men in blue" to supervise some private activities that affect the public interest. But the Township unfairly asks its police personnel to subsidize that interest by working on their own time at unrealistically low rates that are inconsistent with the statutory criteria. If the public interest to be served is, in the Township's discretionary judgment, sufficiently important that it must be provided, then the Township should take necessary steps to require its use and underwrite its expense. As long as the Township maintains its current system of voluntary use at no public expense, compensation for outside employment at issue here must be at the \$25 and \$35 rates sought.

By reason of the foregoing, I issue the following:

SUPPLEMENTAL AWARDS

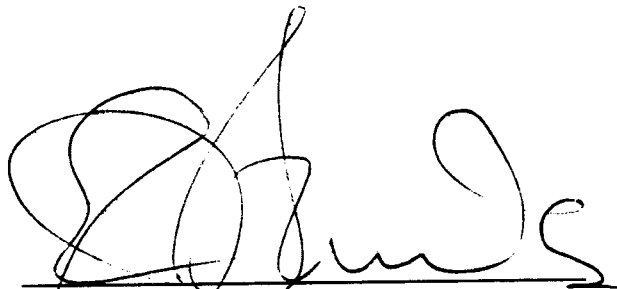
FOR THE PBA UNIT

Article XXIX (“Outside Employment”) of the parties’ collective bargaining agreement shall be amended to provide that officers receive a minimum rate of \$25 per hour for work for charitable organizations and \$35 per hour for work for all other organizations.

FOR THE SOA UNIT

Article XXVII (“Outside Employment”) of the parties’ collective bargaining agreement shall be amended to provide that officers receive a minimum rate of \$25 per hour for work for charitable organizations and \$35 per hour for work for all other organizations.

Dated: June 1, 1999
Roseland, New Jersey



JOHN E. SANDS
Interest Arbitrator

