

# **Bond Case Briefs**

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## **Teaneck Firefighters Mut. Benev. Ass'n Local No. 42 v. Township of Teaneck**

**Superior Court of New Jersey, Appellate Division - February 3, 2015 - Not Reported in A.3d - 2014 WL 7735838**

Teaneck Firefighters Mutual Benevolent Association Local Number 42 (FMBA) appealed from a final decision of the Public Employment Relations Commission (PERC) that determined the Township of Teaneck and FMBA's past practice of permitting up to four firefighters off per shift was not mandatorily negotiable because it prevented the Township from meeting its minimum staffing levels.

The parties agreed that the scheduling of time off and work hours is, as a general principle, mandatorily negotiable and that managerial prerogatives are non-negotiable. The central issue in this dispute was whether permitting four firefighters off on each shift fell into the former or latter category. The answer involved a fact-sensitive determination which PERC resolved when it concluded that "the underlying issue in this case primarily involves a minimum staffing level determination, not the allocation of time off."

The appeals court affirmed, finding PERC's decision supported by sufficient credible evidence on the record as a whole.