

The case was referred to Hearing Examiner Arnold Ordman and a hearing was held on June 9, 1980. On August 15, 1980, the Hearing Examiner issued his Report and Recommendation: that the Board did have jurisdiction over this matter, and that the respondent had committed an unfair labor practice in departing unilaterally from a previously established reporting and payment practice.

The Board considered the Hearing Examiner's Report and Recommendation at its meetings on November 25, and December 10, 1980.

We agree with the Hearing Examiners' conclusion so far as the jurisdictional issue is concerned, for the reasons stated in his Report.

We come to a contrary conclusion, however, so far as the finding of established past practice is concerned. Respondent has relied here on General Orders 206.1 and 701.1 issued in 1971 and amended in 1978, covering the time-clock procedure for court appearance records. Although there is clearly room for different interpretations of the extent to which these general orders had been eroded by sometimes varying practice, we find no violation of the Act in the respondent's decision to adhere firmly to a rule that had been accepted in the beginning as reasonable and fair. The abuse of General Orders 206.1 and 701.1 as amended is not a sufficient basis to find the establishment of a "past practice".

Order

The complaint is dismissed.

Concurring: Members Carter, Zumas,
Wright, Wirtz

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Date: December 18, 1980