

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
LITIGATION ALTERNATIVE PROGRAM

In the Matter of

JACKSON TOWNSHIP BOARD OF EDUCATION

-and

Docket No. SN-87-38
LAP-87-6

JACKSON EDUCATION ASSOCIATION

DECISION

On January 2, 1987, the Jackson Township Board of Education ("Board") filed a scope of negotiations petition in which it claims that the Transport Workers Union ("T.W.U.") has refused to modify the following contract language:

Article X, A.1.

Custodians and groundsman are to work eight hours per day with one half hour lunch period within the eight hours and shall be on call during lunch periods because of the work, five days per week, with two consecutive days off.

In its petition the Board claims that the T.W.U.'s refusal to modify the above language has prevented it from hiring part-time personnel.

The parties agreed to submit this dispute to the Commission's Litigation Alternative Program ("L.A.P.") and that this decision would be final and binding.

On March 10, 1987, I conducted a L.A.P. hearing at which the parties argued their positions.

The language contained in Article X is mandatorily negotiable because it relates to hours of work. N.J.S.A. 34:13A-5.3. Notwithstanding the negotiability of Article X, the Board possesses the managerial prerogative to determine how many full or part-time custodians and groundsmen it needs to employ. Teaneck Bd. of Ed., 94 N.J. 9 (1983); Paterson P.B.A. Local 1, 87 N.J. 78 (1981); County of Hunterdon, P.E.R.C. No. 83-46, 8 NJPER 607 (¶13287 1982).

Thus, while Article X is negotiable, it cannot be construed to prevent the Board from exercising its prerogative to hire part-time employees.

There is no dispute that part-time custodians and groundsmen are included in the collective negotiations unit represented by T.W.U. Therefore, the parties are obligated to negotiate the terms and conditions of employment of those part-time employees.

The parties recognize that their negotiations must be effective for the term of the current collective negotiations agreement.

Richard C. Gwin
Commission Designee

DATED: June 25, 1987
Trenton, New Jersey