

P.E.R.C. NO. 80-108

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TEAMSTERS LOCAL 676,

Petitioner,

Docket No. SN-80-26

-and-

DEPTFORD TOWNSHIP BOARD OF
EDUCATION,

Respondent.

SYNOPSIS

In a scope of negotiations proceeding, the Chairman had determined that the involuntary transfer of janitorial personnel is an illegal subject of negotiations, P.E.R.C. No. 80-82, 6 NJPER _____ (¶ _____ 1980). Local 676 moved for reconsideration of the Chairman's decision, arguing that transfers of janitorial personnel are distinguishable from transfers of teachers in Ridgefield Park Ed. Assn. v. Ridgefield Park Bd. of Ed, 78 N.J. 144 (1978). The Commission granted the motion for reconsideration and affirmed the decision of the Chairman.

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Appearances:

For the Petitioner, Tomar, Parks, Seliger,
Simonoff & Adourian, Esqs.
(Ms. Mary L. Crangle, of Counsel)

For the Respondent, Capehart & Scatchard, P.A.
(Mr. Alan Schmoll, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On January 4, 1980 the Chairman of the Commission decided the above matter and issued a decision, P.E.R.C. No. 80-82, 6 NJPER ____ (¶ 1980), pursuant to authority delegated to him under N.J.S.A. 34:13A-6(f). Therein he determined that a decision to involuntarily transfer janitorial personnel is an illegal subject of collective negotiations. Teamsters Local 676 ("Local 676") now moves for reconsideration pursuant to N.J.A.C. 19:13-3.11. As grounds for its motion, Local 676 asserts that Ridgefield Park Ed. Assn v. Ridgefield Park Bd of Ed, 78 N.J. 144 (1978) has application only to employees directly involved in the educational process, and that none of the Commission decisions cited in the original decision herein deal with support personnel in education.

Although we believe the Chairman properly issued the original decision - as no new issue subject was raised - we hereby grant reconsideration solely to go on record in a case factually involving janitorial personnel to clarify that our position on transfers and reassignments will not change case by case according to the particular employees affected. All transfer decisions are "integrally related" to the provision of services which is the responsibility of the public employer.

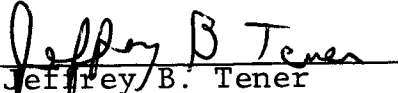
Plumbers and Steamfitters Local 270 v. Woodbridge Bd of Ed, 159 N.J. Super. 83 (App. Div. 1978) is inapposite to this matter. Therein the issue was whether specific statutes preempted negotiations, and the differentiation between teachers and other personnel was purely statutory in nature. No such consideration exists with regard to transfers.

By letter dated February 14, 1980, the Petitioner urged us to give consideration to the Supreme Court's recent decision in Board of Education of the Woodstown-Piles Grove Regional School District v. Woodstown-Piles Grove Regional Education Association, ___ N.J. ___ (1980) (Decided February 4, 1980) in our reconsideration of this matter. We have done so. That decision does not affect the negotiability of transfers but rather addresses the negotiability of terms and conditions of employment as they interface with managerial prerogatives. That analysis is not applicable here because we have held that the subject of transfer is not a term or condition of employment.

ORDER

For the foregoing reasons, IT IS HEREBY ORDERED that the motion for reconsideration is granted, and upon reconsideration PERC No. 80-82 is reaffirmed.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

Chairman Tener and Commissioner Parcells voted for this decision. None opposed. Commissioners Hipp and Newbaker abstained. Commissioner Graves was not present at the time of the vote. Commissioner Hartnett was not present.

DATED: Trenton, New Jersey
February 19, 1980
ISSUED: February 21, 1980