

P.E.R.C. NO. 97-107

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE-OPERATED SCHOOL DISTRICT  
OF THE CITY OF PATERSON,

Petitioner,

-and-

Docket No. SN-97-31

PATERSON EDUCATION ASSOCIATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission grants the request of the State-Operated School District of the City of Paterson for a restraint of binding arbitration of a grievance filed by the Paterson Education Association. The grievance contests a directive that employees indicate the time they sign in and sign out of work. The Commission finds that the employer has a managerial prerogative to implement timekeeping procedures.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Petitioner, Rand, Algier Tosti & Woodruff, attorneys  
(Russell J. Schumacher, of counsel)

For the Respondent, Klausner & Hunter, attorneys  
(Stephen B. Hunter, of counsel)

DECISION AND ORDER

On October 10, 1996, the State-Operated School District of the City of Paterson petitioned for a scope of negotiations determination. The District seeks a restraint of binding arbitration of a grievance filed by the Paterson Education Association. The grievance contests a directive that employees indicate the time they sign in and sign out of work.

Both parties have filed briefs and documents. These facts appear.

The Association represents the District's certificated and non-certificated employees including teachers. The parties' collective negotiations agreement, effective from July 1, 1994 to June 30, 1997, contains a grievance procedure which ends in binding

arbitration. Pursuant to Article 7:1-1, all employees are required to sign in for work. Except for "elementary and primary staff members," they are also required to sign out.

On November 8, 1995, the Director of Special Services sent a notice to employees in her department that employees were to indicate the times when they signed in and out. That same day the Association filed a grievance asserting that the directive violated the contract. After the grievance was denied, the Association demanded arbitration and this petition ensued.

The Board contends that it has a managerial prerogative to require employees to sign in and sign out. It cites Galloway Tp. Bd. of Ed. v. Galloway Tp. Ed. Ass'n, 135 N.J. Super. 269 (Ch. Div. 1975), aff'd 142 N.J. Super. 44 (App. Div. 1976) and City of Plainfield Bd. of Ed., NJPER Supp.2d. 29 (¶19 App. Div. 1974), certif. den. 66 N.J. 327 (1974).

The Association doubts the viability of the 20-year old cases relied on by the Board and asserts that the grievance addresses a mandatorily negotiable issue of work hours.

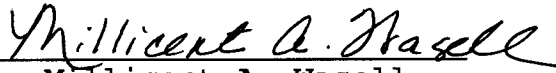
An employer has a managerial prerogative to implement time-keeping procedures. Our decisions on similar issues have consistently followed the cases cited by the Board. Butler Bor., P.E.R.C. No. 94-51, 19 NJPER 587 (¶24281 1993); North Bergen Bd. of Ed., P.E.R.C. No. 92-5, 17 NJPER 378 (¶22177 1991); Bergen Cty. Utilities, P.E.R.C. No. 84-52, 9 NJPER 678 (¶14296 1983); Town of

Pennsauken, P.E.R.C. No. 80-51, 5 NJPER 486 (¶10248 1979); Bayonne Bd. of Ed., I.R. No. 88-5, 13 NJPER 800 (¶18304 1987). We therefore restrain arbitration.

ORDER

The District's request for a restraint of binding arbitration is granted.

BY ORDER OF THE COMMISSION

  
Millicent A. Wasell  
Chair

Chair Wasell, Commissioners Buchanan, Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioner Boose abstained from consideration.

DATED: February 27, 1997  
Trenton, New Jersey  
ISSUED: February 28, 1997