

P.E.R.C. NO. 98-70

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

SOUTH HACKENSACK BOARD  
OF EDUCATION,

Petitioner,

-and-

SOUTH HACKENSACK EDUCATION  
ASSOCIATION,

Respondent.

Docket No. SN-97-112

SYNOPSIS

The Public Employment Relations Commission grants the request of the South Hackensack Board of Education for a restraint of binding arbitration of a grievance filed by the South Hackensack Education Association. The grievance contests the Board's decision to install time clocks for its custodians. The Commission holds that school boards have a managerial prerogative to implement timekeeping procedures, including time clocks, to monitor work time.

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, Beattie Padovano, attorneys  
(Antimo A. DelVecchio, of counsel)

For the Respondent, Springfield & Maurice, attorneys  
(Alfred A. Maurice, of counsel)

DECISION

On May 12, 1997, the South Hackensack Board of Education petitioned for a scope of negotiations determination. The Board seeks a restraint of binding arbitration of a grievance filed by the South Hackensack Education Association. The grievance contests the Board's decision to install time clocks for its custodians.

The parties have filed certifications, exhibits, and briefs.<sup>1/</sup> These facts appear.

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<sup>1/</sup> The Association's brief was late, but a motion to accept the brief was granted for good cause shown. We deny the Board's request for oral argument.

The Association represents the Board's custodians. The parties' contractual grievance procedure apparently ends in advisory arbitration. N.J.S.A. 34:13A-29 requires binding arbitration as the terminal step concerning discipline for school board employees.

The Board installed time clocks and required its custodians to punch in and out of work. The time clocks replaced "sign-in" and "sign-out" sheets. According to the superintendent, time clocks were installed to permit documenting of absences and to keep better track of the hours worked by custodians, especially during overtime hours, evenings, and weekends when no supervisors were present. According to an NJEA field representative, representatives of the Board attended a meeting with Association representatives and stated that time clocks were installed to discipline custodians for "breaches of employment policy." The superintendent denied that the time clocks were instituted as a disciplinary measure.<sup>2/</sup>

The Association protested the use of time clocks and sought their removal. Asserting that the Board had changed employment conditions and taken disciplinary action, it demanded binding arbitration pursuant to N.J.S.A. 34:13A-29. This petition ensued.

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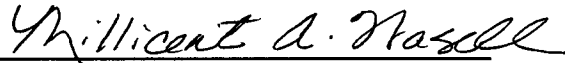
<sup>2/</sup> We deny the Board's request for a hearing because we do not believe the parties' factual dispute is material.

School boards have a managerial prerogative to implement timekeeping procedures, including time clocks, to verify that employees are at work when they are required to be. See Galloway Tp. Bd. of Ed. v. Galloway Tp. Bd. Ass'n, 135 N.J. Super. 269 (Ch. Div. 1975), aff'd 142 N.J. Super. 44 (App. Div. 1976); State-Operated School Dist. of City of Paterson, P.E.R.C No. 97-107, 23 NJPER 202 (¶28097 1997); North Bergen Bd. of Ed., P.E.R.C No. 92-5, 17 NJPER 378 (¶22177 1991). Requiring that time clocks be punched is not by itself a disciplinary action. And the prerogative to install time clocks does not become a disciplinary action because the employer may have suspected that employees had been violating work rules previously and therefore needed to have their work time monitored. We therefore restrain binding arbitration.

ORDER

The request of the South Hackensack Board of Education for a restraint of binding arbitration is granted.

BY ORDER OF THE COMMISSION

  
 Millicent A. Wasell  
 Chair

Chair Wasell, Commissioners Buchanan, Finn, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioners Boose and Klagholz were not present.

DATED: November 20, 1997  
 Trenton, New Jersey  
 ISSUED: November 21, 1997