

D.R. NO. 86-18

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF REPRESENTATION

In the Matter of

EVESHAM TOWNSHIP BOARD OF
EDUCATION,

Public Employer,

-and-

Docket No. RO-86-41

EVESHAM TOWNSHIP EDUCATION
ASSOCIATION,

Petitioner.

Synopsis

The Director of Representation orders an election for a nonprofesional unit consisting of aides, teachers' assistants and library clerks, to be added to an existing professional unit of Teachers, Speech Therapists, Librarians, Guidance Counselors, School Psychologists, Learning Disabilities Social Workers and Nurses. The Board refused to consent to the election on the basis that the petition did not represent the majority interests of the proposed unit. It was determined that the petitioned-for unit is appropriate, and the Director concluded that an election shall be conducted among the employees to determine their representational status.

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Appearances:

For the Public Employer
Leroy Meland, Superintendent

For the Petitioner
New Jersey Education Association
(James R. George, Jr., UniServ Rep.)

DECISION AND DIRECTION OF ELECTION

A timely Petition for Certification of Public Employee Representative ("Petition") was filed with the Public Employment Relations Commission (the "Commission") by the Evesham Township Education Association (the "Association") on October 15, 1985, seeking to represent certain employees employed by Evesham Township Board of Education (the "Board"). The Petition, supported by an adequate showing of interest, seeks to add all aides employed by the Board to an existing unit presently represented by the Association, consisting of all Certified Teachers, Speech Therapists, Librarians, Guidance Counselors, School Psychologists, Learning Disabilities

Social Workers and Nurses employed by the Evesham Township Board of Education. The Board has refused to consent to an election in the petitioned-for unit.

An administrative investigation of the matter was authorized in order to determine the facts. On the basis of the administrative investigation, I find and determine as follows:

The disposition of this matter is properly based on our administrative investigation. We have not found any substantial and material factual disputes which may more appropriately be resolved at hearing. See N.J.A.C. 19:11-2.6(b).

The Association filed this Petition on October 15, 1985.

The Petitioned-for employees are not presently represented by any other employee representative.

The Association contends that the petitioned-for employees share a community of interest with the employees in the Association's existing unit, that the combined unit of aides and professional employees constitutes a prima facie appropriate unit and that a secret ballot election should be conducted in order to ascertain whether the petitioned-for employees wish to be represented by the Association.

The Board has refused to consent to an election in this matter, contending that certain employees were coerced into signing authorization cards and that aides should not be placed in the existing Association unit because "there are different threads of interest involved ...". The Board argues that aides should be in a

separate unit and an election should be conducted among each separate subgroup of aides (classroom aides, health aides, teacher assistants & library clerks) to determine whether each subgroup wished to be represented by the Association. The Board's concern is that one of the subgroups of aides will be forced to join the Association against their will.

* * * *

The Board's assertion that certain employees were coerced into signing authorization cards was not supported by any evidence and therefore, will not be considered here.

In In re Piscataway Twp. Bd/Ed, P.E.R.C. No. 84-124, 10 NJPER 272 (¶15134 1984), the Commission held:

....Pursuant to its obligation to make appropriate unit determinations within the context of the dispute presented, the Commission has specifically held that many different types of school district unit structures are appropriate for certification: some containing teachers alone, some containing one or more groups of supportive staff alone, and some containing a mixture of teachers and one or more groups of supportive staff...When a dispute concerning the propriety of including one or more groups of supportive staff with teachers and professional school district employees has arisen, the Commission since 1969 has consistently found, as the above cases demonstrate, that teachers and supportive staff have a community of interest stemming from such factors as their shared goals, the central authority controlling their working conditions, and their common working facilities and environment and that this community of interest generally warrants giving teachers

and supportive staff the opportunity to choose a unified representative in a single unit if they so desire...In the instant case, the Board's supportive staff and teachers, despite some disparities in individual terms and conditions of employment, share the same community of interest we have consistently found between supportive staff and teachers in disputes involving other school districts...Thus, we would normally afford supportive staff and teachers the opportunity to choose unified representation in the same unit if they so desire. (citations omitted.)

Piscataway, at 274.

Based upon the foregoing, the aides employees sought in the Petition share a community of interest with the employees in the Association's existing unit. The petitioned-for unit is, on its face, appropriate and I direct that an election be conducted. The petitioned-for unit is comprised as follows: Included -- all teachers, speech therapists, librarians, guidance counsellors, school psychologists, learning disability social workers, nurses and all aides (teachers assistants, classroom aides, health aides, library clerks) employed by the Evesham Township Board of Education. Excluded -- all administrators, confidential employees, managerial executives, police employees and supervisors within the Act.

The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees set forth above who were employed during the payroll period immediately preceding the date of this decision, including employees who did not work

during that period because they were out ill, on vacation, temporarily laid off, or in military service. Employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date are ineligible to vote.

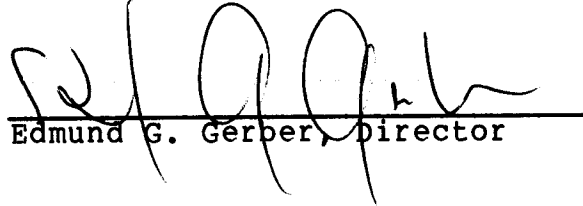
I direct the Public Employer to simultaneously file with me and with the Petitioner, an eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles, pursuant to N.J.A.C. 19:11-9.6. The Public Employer shall also file with me an accompanying proof of service. I must receive the eligibility list no later than ten (10) days prior to the date of the election. I shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

The employees in the unit described above shall vote on whether they wish to be represented by Evesham Township Education Association. The professional employees in the existing unit consisting of certified teachers, speech therapists, librarians, guidance counselors, school psychologists, learning disabilities, social workers and nurses, shall vote on whether they wish to be included in a unit with nonprofessionals. Pursuant to a requirement as set forth in N.J.S.A. 34:13A-5.2.

Those eligible to vote shall vote on whether they wish to be represented for the purpose of collective negotiations by the Evesham Township Education Association or no union.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION PROCEEDINGS



Edmund G. Gerber, Director

DATED: March 27, 1986
Trenton, New Jersey