

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

In the Matter of

TOWNSHIP OF JACKSON BOARD  
OF EDUCATION,

Public Employer,

-and-

DOCKET NO. RO-82-102

TRANSPORT WORKERS UNION OF  
AMERICA, AFL-CIO, LOCAL 225,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs a secret ballot election be conducted among the employees in the Board's central business office in the secretarial, clerical and technical classification to ascertain their representational desires. Three individuals whose eligibility is in dispute, the Executive Secretary to the Assistant Superintendent, Clerical Assistant - Personnel, and Secretary - Personnel may vote subject to challenge.

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Appearances:

For the Public Employer  
Cassetta, Brandon Associates  
(Raymond A. Cassetta, Consultant)

For the Petitioner  
Frank A. Caiazzo, President

DECISION AND DIRECTION OF ELECTION

On November 4, 1981, a Petition for Certification of Public Employee Representative, accompanied by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by the Transport Workers Union of America, AFL-CIO, Local 225 ("Local 225"), seeking to represent "all employees of the central business office in the secretarial, clerical and technical classifications, excluding those confidential and supervisory employees" of the Township of Jackson Board of Education (the "Board"). The petitioned-for employees are not presently represented for the purpose of collective negotiations.

In accordance with N.J.A.C. 19:11-2.6, the undersigned has caused an administrative investigation to be conducted into the matters and allegations set forth in the Petition to determine the facts.

Based upon the administrative investigation to date, the undersigned finds and determines as follows.

1. The disposition of this matter is properly based on the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.6(b), there is no necessity for a hearing, where as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Township of Jackson Board of Education is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of the Petition, and is subject to the provisions of the Act.

3. The Transport Workers Union of America, AFL-CIO, Local 225 is an employee representative within the meaning of the Act, and is subject to its provisions.

4. Local 225 seeks to represent all employees located in the Board's central business office in secretarial, clerical and technical classifications, excluding confidential and supervisory employees within the meaning of the Act, and is willing to consent to a secret ballot election to ascertain their representational desires.

5. The Board has raised a question concerning the validity of the showing of interest supporting the Petition of Local 225 and has been given an opportunity to submit evidentiary proof supporting its claim. No such documentation has been offered to the undersigned however, and the showing of interest is found to be sufficient.

6. The Board does not question the appropriateness of the proposed unit. However, it does object to the inclusion of three individuals in that unit, the Executive Secretary to the Assistant Superintendent, Clerical Assistant - Personnel, and Secretary - Personnel, claiming that they are confidential employees. This dispute concerns the appropriateness of including these three employees in a proposed unit of nineteen employees. This issue is not substantial and should not delay the resolution of the question concerning representation in the unit, since the overwhelming majority of employees are clearly eligible to vote. See, In re Tp. of No. Brunswick, D.R. No. 78-3, 3 NJPER 260 (1977). The three individuals may vote subject to challenge. Adequate post-election procedures are available, if necessary, to resolve the instant eligibility dispute.

By letter dated December 10, 1981, the undersigned advised the parties of the results of the administrative investigation, provided the parties with an opportunity to present documentary and other evidence with respect to the instant Petition as well as statements of position, and stated that in the absence of a proffer placing in dispute substantial and material factual

issues, the undersigned would thereafter issue a decision and direction of election. No additional evidentiary proffer has been submitted.

Therefore, for the reasons set forth above, it appears to the undersigned that a valid question concerning representation exists in an appropriate unit, that the policies of the Act will be effectuated by the conduct of an election, and that an election will reflect the free choice of employees. There being no agreement for a consent election, and it appearing that no substantial and material factual issues have been placed in dispute warranting delay of an election, the undersigned, pursuant to N.J.A.C. 19:11-2.6(b)(3), directs an election herein. The three individuals in dispute may vote subject to challenge.

Accordingly, the undersigned finds that the appropriate unit for collective negotiations is: all employees in the Board's central business office in secretarial, clerical and technical classifications, but excluding managerial executives, confidential and craft employees, professional employees, police and supervisors within the meaning of the Act. The Executive Secretary to the Assistant Superintendent, Clerical Assistant - Personnel, and Secretary - Personnel may vote subject to a challenge which may be asserted by either party.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. 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 below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are 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.

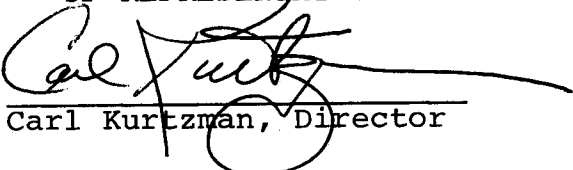
Pursuant to N.J.A.C. 19:11-9.6, the Board is directed to file with the undersigned and with Local 225, an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed with Local 225 with a statement of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by Transport Workers Union of America, AFL-CIO, Local 225.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in

the election. The election directed herein shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
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Carl Kurtzman, Director

DATED: January 5, 1982  
Trenton, New Jersey