

D.R. NO. 93-16

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

In the Matter of

MONTCLAIR BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-93-87

MONTCLAIR EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation orders an election to accrete the four titles of computer operator, creative projects specialist, public relations specialist and technician-testing/evaluations-registration to the existing unit represented by the Montclair Education Association of all non-supervisory, certified and non-certified employees employed by the Montclair Board of Education. For the reasons stated in Montclair Bd. of Ed., D.R. No. 92-38, 18 NJPER 375 (¶23166 1992), the Director found that the four employees have a strong community of interest with the employees in the existing unit represented by the Association.

D.R. NO. 93-16

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

In the Matter of

MONTCLAIR BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-93-87

MONTCLAIR EDUCATION ASSOCIATION,

Petitioner.

Appearances:

For the Public Employer  
McCarter & English, attorneys  
(Theresa Moore, of counsel)

For the Petitioner  
New Jersey Education Association  
(Carol Rosenfeld, Field Rep.)

DECISION AND DIRECTION OF ELECTION

On October 15, 1992, the Montclair Education Association/NJEA filed a timely Petition for Certification of Public Employee Representative and on November 2, 1992, it amended the petition, seeking to add the titles of the computer operator, creative projects specialist, public relations specialist and technician-testing/evaluations-registration to its existing unit of non-supervisory, certified and non-certified staff employed by the Montclair Board of Education. The petition was accompanied by an adequate showing of interest. N.J.A.C. 19:11-1.2. The employees sought by the petition have never been previously represented.

The Board objects to the petition and refuses to consent to a secret ballot election. It argues that the petitioned-for employees lack a community of interest with the existing unit because they perform essentially technical/administrative support type duties and have no direct pupil contact.

We have conducted an administrative investigation in this matter. No substantial and material facts appear to be in dispute that would warrant convening a hearing. N.J.A.C. 19:11-2.2 and 2.6. These facts appear.

The Board and the Association are parties to a collective negotiations agreement covering a unit of teachers, librarians, psychologists, social workers, guidance counselors and other certificated personnel, secretaries, custodians and aides working more than 20 hours per week. The agreement extends from July 1, 1991 to June 30, 1993.

The job description for the public relations specialist was created in 1979 and revised in 1982 and 1988. The public relations specialist is the Board's liaison with the news media and alumni, and therefore, is responsible for writing and distributing news releases, assisting in providing publications, etc. The position requires an undergraduate degree and other work experience. The position reports directly to the superintendent.

The creative project specialist position was created in 1985 and reports to the Superintendent. It "designs" and "executes" promotional and curriculum materials for programs and events planned

by the Board for use within the district; it plans communication projects and produces layouts for brochures, posters, etc. The position requires an undergraduate degree and some work experience.

The technician-testing evaluation position was created in 1984 and reports to the Assistant Superintendent for Instruction and to the Superintendent. Major responsibilities include registering students, maintaining registration files, scheduling students, notifying parents, ordering testing materials, etc. The position does not require a degree.

The data processing operator/programmer (computer operator) position was created in 1978 and the description was revised in 1981. It reports to the manager of data processing. Major responsibilities include organizing the computer system and operating equipment, maintaining the computer's mainframe and software service; analyzing operating procedures and preparing a daily computer schedule, etc. The position does not require an undergraduate or technical degree.

In Montclair Bd. of Ed., D.R. No. 92-38, 18 NJPER 375 (¶23166 1992), we dismissed a petition filed by the NJEA seeking to represent these same four titles in a separate unit. In that instance, we found that these employees had a strong community of interest with the employees in the existing NJEA wall-to-wall unit; therefore, the petitioned-for separate unit was determined inappropriate. We indicated that a timely filed petition for accretion of the above titles to the existing wall-to-wall unit

would be considered appropriate.

We find that this petition is appropriate for the reasons stated in Montclair. It is timely and it seeks to add the same four titles to the existing, broad-based unit. In addition, the Board has not alleged any facts based upon which these titles may be excluded from the unit. Therefore, we direct an election be conducted among the employees in the four petitioned-for titles -- computer specialist, technician-testing/evaluations-registration, creative projects specialist and public relations specialist -- to accrete them to the existing unit of non-supervisory, certified and non-certified employees.


The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the 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 public employer is directed to file with us an eligibility list consisting of an alphabetical listing of the names of all eligible voters in the units, together with their last known mailing addresses and job

titles. In order to be timely filed, the eligibility list must be received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

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

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Edmund G. Gerber, Director

DATED: January 29, 1993  
Trenton, New Jersey