

L.A.P. NO. 90-9

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION  
LITIGATION ALTERNATIVE PROGRAM

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. CU-90-21

EAST ORANGE DEPARTMENT  
CHAIRPERSONS ASSOCIATION,

Employee Representative,

-and-

EAST ORANGE ADMINISTRATORS ASSOCIATION,

Employee Representative.

DECISION

The East Orange Board of Education ("Board"), the East Orange Department Chairpersons Association ("Association"), and the East Orange Administrators Association ("Administrators Association") advised the Public Employment Relations Commission ("Commission") that they agreed to submit the instant dispute to the Commission's Litigation Alternative Program ("LAP"). In this procedure, the parties describe the nature of their dispute to a Commission designee who in turn issues a recommendation resolving the matter without prejudice to the parties' legal positions.

On May 30, 1990, I conducted an informal session with the parties concerning this dispute. The issue concerns the unit placement of one employee holding the title of "supervisor of

library/media services" ("library supervisor"). In a previous decision concerning this title, Commission Designee Arnold Zudick recited the title's history and the Commission's concerns in determining "most appropriate" unit placements. He recommended that the title be placed in the Association's unit because it is the "most appropriate unit for the library supervisor, given the circumstances as they currently existed" (Docket No. L-85-21). In particular, the Commission Designee noted that "the controlling element" in the matter was that the library supervisor was evaluated by two members of the administrators unit. "If the library supervisor was treated like other supervisors and only evaluated by the director of curriculum, then no substantial conflict of interest would exist." See Bd. of Ed. of W. Orange v. Wilton, 57 N.J. 404 (1971).

During the informal session, the Board contended that a "change in circumstances" now requires that the supervisor of library/media services be placed in the Administrators Association's unit. The title is now a full-time 12-month position which supervises librarians. The person in the title now participates in all supervisor meetings and reports to and is evaluated by the director of curriculum only. These changes went into effect July 1, 1989. Neither employee organization denies that the changes have in fact occurred. Given these changes, the parameters of the previous decision, and the absence of a conflict of interest, I find that the Administrators Association's unit is now the "most appropriate unit" for the supervisor of library/media services.

RECOMMENDATION

Based upon the entire record in this matter and the parties' representations that the procedural history outlined in L-85-22 is accurate and that the changes in the terms and conditions of employment for the supervisor of library/media services have in fact occurred, I recommend that the parties agree to place the supervisor of library/media services in the unit represented by the East Orange Administrators Association.

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Jonathon Roth  
Commission Designee

DATED: June 4, 1990  
Trenton, New Jersey