

D.R. NO. 85-18

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

In the Matter of

RIDGEFIELD BOARD OF EDUCATION,

Public Employer,

-and-

DOCKET NO. RO-85-65

RIDGEFIELD TEACHERS ASSOCIATION,
NJEA,

Petitioner.

SYNOPSIS

The Commission Designee, on the basis of an administrative investigation, directs an election among all teachers, custodial and maintenance employees and secretarial and clerical employees of the Ridgefield Board of Education. The Commission Designee finds the unit petitioned for to be prima facie appropriate and the incumbent organizations have indicated their desire not to continue to represent their constituents in separate units.

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Appearances:

For the Public Employer
Gallo & Geffner, Esqs.
(Dennis G. Harraka, Esq.)

For the Petitioner
Vincent E. Giordano, UniServ Rep.
New Jersey Education Association

DECISION

On October 15, 1984, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission ("Commission") by Ridgefield Teachers Association, NJEA ("Teachers Association"). The Petitioner seeks to represent a unit of all custodial employees, secretarial employees and certificated employees employed by the Ridgefield Board of Education ("Board").

In accordance with N.J.A.C. 19:11-2.6(a), I have caused an administrative investigation to be conducted into the matters and allegations involved in this petition.

Based upon the administrative investigation to date, I find and determine 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(c), there is no necessity for a hearing where, as here, no substantial or material factual issues have been placed in dispute by the parties.

2. The Ridgefield 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. ("Act"), is subject to its provisions and is the employer of the employees who are the subject of this petition.

3 The Ridgefield Teachers Association, NJEA, is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Ridgefield Custodial and Maintenance Association/NJEA, is the current employee representative of all custodial and maintenance employees employed by the Ridgefield Board of Education. The Ridgefield Educational Secretaries Association, NJEA, is the current employee representative of all educational secretarial employees employed by the Ridgefield Board of Education. It is the purpose of this Petition to include the above-referenced non-professional employees of the Ridgefield Board

of Education in the existing unit of professional employees currently represented by the Ridgefield Teachers Association.

5. The Ridgefield Board of Education objects to an election in this matter and takes the position that the consolidation of the Custodial and Maintenance Unit and the Educational Secretarial Unit into the certificated (professional) unit is inappropriate based on the (1) extensive bargaining history of the three individual units and (2) the lack of a proper community of interest between the three units in question.

The unit petitioned for is prima facie appropriate. In In re Piscataway Twp. Board of Education, P.E.R.C. No. 84-124, 10 NJPER 272 (Para. 15134 1984), the Commission held:

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. Further, the Board exercises a centralized authority over the personnel policies affecting all its employees. Thus, we would normally afford supportive staff and teachers the opportunity to choose unified representation in the same unit if they so desire. The question in the instant case is whether the facts here fit within the narrow contours of Englewood [In re Englewood Bd. of Ed., P.E.R.C. No. 82-25, 7 NJPER 516 (Para. 12229 1981)] and compel dismissal of the petition, thus negating altogether the factor of employee choice for or against unified representation. The answer is no. Unlike Englewood, the majority representatives of the current supportive staff units all welcome, rather than vigorously oppose, the proposed unit....Given [this difference], we believe that the factors (including past negotiations history) relevant to determining appropriate unit structure are sufficiently in balance to permit the desires of the employees for or against unification to control.

Accordingly, supportive staff should be given the opportunity to vote on whether they wish the Association's representation in the proposed unit. Further, professional employees, pursuant to N.J.S.A. 34:13A-6, should be given the option of being or not being in the same unit as the supportive staff. [Footnotes omitted]

In the instant matter, the factual circumstances are similar to those which existed in Piscataway, supra, and thus the same precedent is applicable. Therefore, having determined that the proposed unit possesses the requisite community of interest inherent in unit structures contemplating the consolidation of certificated and non-certificated employees of boards of education, the only remaining issue would normally be whether each of the individual groups wishes to proceed to a secret ballot election to determine whether unification is desired by a majority. In this regard, it is noted that both the Custodial and Maintenance Unit and the Educational Secretarial Unit have filed written statements indicating a desire no longer to be represented individually, and to proceed to a secret ballot election in order to determine their majority representative status.

The Board, however, relying on In re Englewood Bd. of Ed., supra, 7 NJPER at 516, asserts the presence of an extensive bargaining history with no claims of ineffective representation nor of significant change which would suggest that the existing bargaining structure is no longer viable. This case is distinguishable from Englewood, supra, because, there, in addition to the history of separate bargaining units, there were also two

separate unions involved and they opposed the proposed unit consolidation. Here, the incumbents have indicated in writing, that they no longer wish to continue to represent their constituents in separate units, but instead wish to proceed to a secret ballot election to determine majority representative status of all of the Board's employees who were formerly represented in each of the three separate units.

Therefore, I find that the appropriate unit for collective negotiations is: Included--All teachers, custodial and maintenance employees and secretarial and clerical employees of the Ridgefield Board of Education; Excluded--All other employees including craft employees, managerial executives, confidential employees, police employees and supervisors within the meaning of the Act.


Pursuant to N.J.A.C. 19:11-2.6(b)(3), I direct 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 Public Employer is directed to simultaneously file with the undersigned and with the Ridgefield Teachers Association, NJEA, 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 me 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.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by the Ridgefield Teachers Association, NJEA. Additionally, certificated employees shall vote on whether they wish to be represented together in the same unit as non-certificated employees (professional option).

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.


Edmund G. Gerber
Commission Designee

Dated: March 8, 1985
Trenton, New Jersey