

D.R. NO. 90-11

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

In the Matter of

UNION COUNTY VOCATIONAL-TECHNICAL
SCHOOLS BOARD OF EDUCATION,

Public Employer,

-and-

FACULTY ASSOCIATION OF THE UNION
COUNTY VOCATIONAL & TECHNICAL SCHOOLS,

Docket No. RO-90-50

Petitioner,

-and-

SECRETARIAL ASSOCIATION OF THE UNION
COUNTY VOCATIONAL & TECHNICAL SCHOOLS,

Intervenor.

SYNOPSIS

The Director of Representation finds a sufficient community of interest between professional employees and the supportive staff and orders that an election be conducted among the employees in the petitioned-for unit.

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Appearances:

For the Public Employer
Michael Petro, Board Secretary

For the Petitioner
New Jersey Education Association
(Diane Sylvester, UniServ Rep.)

For the Intervenor
New Jersey Education Association
(Diane Sylvester, UniServ Rep.)

DECISION AND DIRECTION OF ELECTION

On October 4, 1989, the Faculty Association of the Union County Vocational and Technical Schools ("Association") filed a Petition for Certification of Public Employee Representative (Docket No. RO-89-16), supported by an adequate showing of interest, with the Public Employment Relations Commission ("Commission"). By its

petition, the Association seeks to add all secretarial and clerical employees of the Board to its existing unit of professional employees. The secretarial and clerical employees are currently represented by the Secretarial Association of Union County Vocational and Technical Schools in a separate collective negotiations unit.

The Board contends that there is "insufficient commonality" between the two units and opposes the Association's consolidation petition. It argues that the most appropriate unit structure for the employees at issue here is the current structure: a unit comprised solely of secretarial and clerical employees and a separate unit of only professional employees.

There are no substantial and material factual disputes which may more appropriately be resolved through the conduct of a formal hearing. See N.J.A.C. 19:11-2.6(b). Accordingly, the disposition of the Association's petition is properly based on my administrative investigation.

In Piscataway Tp. Bd. of Ed., P.E.R.C. No. 84-124, 10 NJPER 272 (¶15134 1984) ("Piscataway"), the Commission addressed the subject of unit consolidation. It found that a combined unit of professional employees and support staff employees constitutes an appropriate unit. The Commission stated:

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...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. See, e.g., West Milford [Bd. of Ed., P.E.R.C. No. 56 (1971)]. In the Commission's judgment, affording teachers and supportive staff such an opportunity promotes labor stability since unified employee representation may permit negotiations with an already centralized and unified employer to proceed more smoothly. State of New Jersey and Professional Assn. of New Jersey Department of Education, [64 N.J. 231 (1974), aff'g P.E.R.C. No. 68 (1972)]. [Piscataway Tp. Bd. of Ed., 10 NJPER at 274. Emphasis in original.]

To carry out its statutory goal of promoting labor stability, the Commission has adopted a policy favoring broad-based negotiations units.^{1/} Here, the professional employees and the supportive staff have a community of interest. For example, both groups of employees share similar terms and conditions of employment and common work facilities. In accordance with Piscataway, the professional employees and the supportive staff employees should have the opportunity to express their choice on whether they wish to be represented by a unified representative in the petitioned-for negotiations unit.

Accordingly, I order that an election be conducted among the employees in the petitioned-for unit set forth below:

^{1/} This is not to suggest that unit structures including only professional teaching staff or only supportive staff employees may not also be appropriate in particular situations.

Included: All secretarial and clerical employees employed by the Union County Vocational-Technical Schools Board of Education.

Excluded: All confidential employees, managerial executives, professional employees, craft employees, police employees, firefighters, supervisors within the meaning of the Act and all other employees employed by the Union County Vocational-Technical Schools Board of Education.

Additionally, employees in titles included in the professional unit will vote on whether they wish to be included in a collective negotiations unit with non-professional employees.

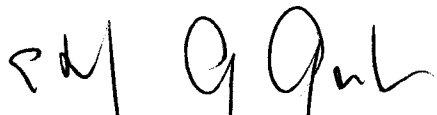
The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation 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: December 5, 1989
Trenton, New Jersey