

D.R. NO. 90-7

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

In the Matter of

ROXBURY TOWNSHIP BOARD OF EDUCATION,

Public Employer,

-and-

MORRIS COUNCIL NO. 6, NJCSA,

Petitioner,

-and-

Docket Nos. RO-90-1, RO-90-3

LOCAL 930, N.U.P.E.,

Intervenor,

-and-

LOCAL 711, N.U.P.E.,

Intervenor.

SYNOPSIS

The Director of Representation orders elections in units of custodians and cafeteria workers employed by the Roxbury Township Board of Education. Morris Council No. 6 petitioned to represent the units. The incumbent majority representatives refused to consent to either election and later informed the Commission that they no longer wished to represent the employees.

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Appearances:

For the Public Employer  
Rand, Algeier, Tosti & Woodruff, Esqs.  
(Ellen S. Bass, of counsel)

For the Petitioner  
Fox and Fox, Esqs.  
(Stacey B. Rosenberg, of counsel)

For the Intervenors  
Schneider, Cohen, Solomon, Leder & Montalbano, Esqs.  
(Bruce D. Leder, of counsel)

DECISION AND DIRECTION OF ELECTION

On July 3 and July 17, 1989, Morris Council No. 6, NJCSA  
("Morris Council No. 6" or "Petitioner") filed timely representation

petitions seeking to represent units of custodians (Docket No. RO-90-1) and cafeteria workers (Docket No. RO-90-3) employed by the Roxbury Township Board of Education ("Board"). Custodians are currently represented by the National Union of Public Employees, Local 930 ("Local 930"). Cafeteria workers are currently represented by National Union of Public Employees, Local 711 ("Local 711"). The incumbent majority representatives refuse to consent to a secret ballot election.

We conducted an administrative investigation to determine the facts. N.J.A.C. 19:11-2.2(a).

On August 16, 1989, a Commission staff agent conducted an investigatory conference. At the conference, the Board and Morris Council 6 executed consent agreements for elections in the two units. Local 930 And Local 711 did not attend or participate in a conference and refused to sign consent agreements for elections.

On September 13, 1989, Local 930 and Local 711 filed a letter stating that they had no interest in continuing to represent of the petitioned-for employees.

There are no substantial and material factual issues in dispute. Accordingly, I direct that secret ballot elections be conducted in the petitioned-for units of custodians and cafeteria workers to determine whether they wish to be represented for purposes of collective negotiations by Morris Council No. 6. The elections shall be conducted in units described as follows:

Custodian's Unit (Docket No. RO-90-1)

Included: All custodians, grounds-keeper custodians, lead-day custodians, matrons and building maintenance employees employed by Roxbury Township Board of Education.

Excluded: Professional employees, craft employees, police officers, firefighters, supervisors, confidential employees and managerial executives within the meaning of the Act, and all other employees.

Cafeteria Workers' Unit (Docket No. RO-90-3)

Included: All cafeteria workers employed by the Roxbury Township Board of Education.

Excluded: Aides, substitutes, professional employees, craft employees, police officers, firefighters, supervisors, confidential employees and managerial executives within the meaning of the Act, and all other employees.

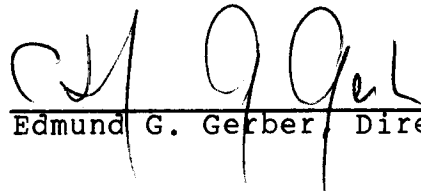
The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation 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: September 28, 1989  
Trenton, New Jersey