

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

In the Matter of

WASHINGTON TOWNSHIP BOARD OF EDUCATION,

Public Employer,

-and-

WASHINGTON TOWNSHIP SCHOOL SERVICES
SUPPORTIVE PERSONNEL ASSOCIATION,

DOCKET NO. RO-78-57

Petitioner,

-and-

TEAMSTERS LOCAL UNION NO. 676,

Intervenor.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs an election among custodians and light housekeeping cleaners (matrons) employed by the Board. The Association's petition was timely filed, the proposed unit is prima facie appropriate, and there exists a valid question concerning the representation of employees.

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Appearances:

For the Public Employer
Hyland, Davis & Reberkenny, Esqs.
(William D. Hogan, of Counsel)

For the Petitioner
Eugene J. Sharp, Field Representative, N.J.E.A.

For the Intervenor
Tomar, Parks, Seliger, Simonoff & Adourian, Esqs.
(Robert O'Brien, of Counsel)

DECISION AND DIRECTION OF ELECTION

On September 26, 1977, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by the Washington Township School Services Supportive Personnel Association (the "Petitioner"), Docket No. RO-78-57. The Petitioner seeks a unit of custodians and light housekeeping

cleaners (matrons) employed by the Washington Township Board of Education (the "Board").

In accordance with N.J.A.C. 19:11-2.6, the undersigned caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. By letter dated October 28, 1977, Teamsters Local Union No. 676 (the "Intervenor") requested to intervene in this matter on the grounds that it currently represented the petitioned-for employees. The undersigned was provided with a recently expired collective negotiations agreement between the Board and the Intervenor covering the above-named employees. By letter dated November 9, 1977, the undersigned granted Teamsters Local No. 676 intervenor status herein. All parties were advised of their obligations under N.J.A.C. 19:11-2.6(a), and were afforded an opportunity thereunder to present documentary and other evidence, as well as statements of position, relating to the Petition. On the basis of this administrative investigation herein, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after a hearing. Pursuant to N.J.A.C. 19:11-2.6, there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Washington Township 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., as amended (the "Act"), is the employer of the employees described herein, and is subject to the provisions of the Act.

3. The Washington Township School Services Supportive Personnel Association and Teamsters Local No. 676 are employee representatives within the meaning of the Act and are subject to its provisions.

4. The Petitioner has filed a timely Petition before the Commission, supported by an adequate showing of interest, requesting a secret ballot election to be conducted to determine if the employees in question desire to be represented for the purposes of collective negotiations by the Petitioner. Thus, there exists a valid question concerning the representation of public employees and this matter is properly before the undersigned for a decision.

5. The Intervenor objects to a secret ballot election. The Board, however, is prepared to enter into a consent for an election in the unit petitioned-for. No party disputes the appropriateness of the petitioned-for unit and the undersigned finds that the unit petitioned-for is a prima facie appropriate unit for the purpose of collective negotiations.

6. By letter dated December 27, 1977, the Intervenor was advised of its responsibility to provide to the undersigned documentary and other evidence as well as a statement of position with respect to the Petition. All parties were advised that in the absence of any substantial and material disputed factual issues warranting the convening of an evidentiary hearing, the undersigned, based on the administrative investigation, would, pursuant to N.J.A.C. 19:11-5.1, direct that a secret ballot election be conducted. No further evidentiary proffer or statements of position have been provided by any party.

7. Based upon the above, it appears to the undersigned that a valid question concerning representation exists in a prima facie appropriate unit. Further, the evidence submitted does not appear to place in dispute any substantial and material factual issues. Accordingly, an election shall be directed in the following appropriate unit: "All custodians and light housekeeping cleaners (matrons) employed by the Washington Township Board of Education."

The undersigned directs that a secret ballot election shall 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 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, were 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 quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

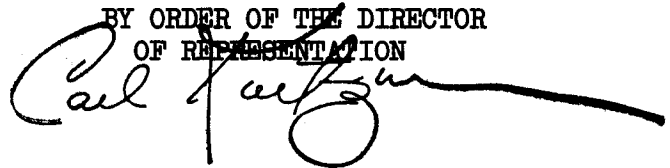
Pursuant to N.J.A.C. 19:11-9.6 the public employer is directed to file with the undersigned and with the employee organizations an eligibility list, consisting of an alphabetical listing of names of all eligible voters together with their last known addresses and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed with the Intervenor and the Petitioner, with a statement of service to the undersigned. The

undersigned 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 they desire to be represented for the purposes of collective negotiations by Teamsters Local No. 676 or by the Washington Township School Services Supportive Personnel Association or neither.

The majority representative shall be determined by a majority of valid ballots cast. The election directed herein shall be conducted in accordance with the provisions of the Commission's Rules and Regulations and Statement of Procedure.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION

A handwritten signature in black ink, appearing to read "Carl Kurtzman", written over the typed name below.

Carl Kurtzman, Director

DATED: January 13, 1978
Trenton, New Jersey