

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

In the Matter of

MOUNT HOLLY TOWNSHIP BOARD OF
EDUCATION,

Public Employer,

-and-

DOCKET NO. RD-81-5

SUSAN J. STEVENS,

Petitioner,

-and-

MOUNT HOLLY TOWNSHIP SCHOOL
SECRETARIAL/CLERICAL ASSOCIATION,
NEW JERSEY EDUCATION ASSOCIATION,

Employee Representative.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation which revealed an absence of substantial and material disputed factual issues, directs an election to determine whether clerical employees continue to desire to be represented by their current majority representative.

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Employee Representative.

Appearances:

For the Public Employer
Parker, McCay & Criscuolo, attorneys
(Stephen Mushinski of counsel)

For the Petitioner
Susan J. Stevens

For the Employee Representative
James R. George, UniServ Representative

DECISION AND DIRECTION OF ELECTION

On November 26, 1980, a Petition for Decertification of Public Employee Representative, accompanied by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by Susan Stevens (the "Petitioner") on behalf of certain clerical employees employed by the Mount Holly Township Board of Education (the "Board"). Petitioner seeks

a secret ballot election among clerical employees to ascertain whether the unit members continue to desire to be represented by the Mount Holly Township School Secretarial/Clerical Association, New Jersey Education Association (the "Association"), the current exclusive negotiations representative. The undersigned has caused an investigation to be conducted pursuant to N.J.A.C. 19:11-2.2 into the matters and allegations involved in the Petition in order to determine the facts, and to obtain the positions of the parties.

On the basis of the 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 at a hearing. Pursuant to N.J.A.C. 19:11-2.6(b), 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 Mount Holly 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. (the "Act"), is the employer of the employees who are the subject of this proceeding, and is subject to the provisions of the Act.

3. The Mount Holly Township School Secretarial/Clerical Association, New Jersey Education Association, is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Association is the exclusive representative of a negotiations unit consisting of clerical employees employed by the Board.

5. A collective negotiations agreement between the Board and Association expired June 30, 1980. There was no existing successor agreement between these parties when the instant Petition was filed.

6. On November 26, 1980, the Petitioner filed a timely Petition for Decertification of Public Employee Representative supported by a valid showing of interest. Petitioner desires a secret ballot election among unit members.

7. The Board has advised that "it takes no position" in this matter.

8. The Association does not agree to a secret ballot election to be conducted by the Commission although it places no substantial and material factual issues in dispute.

On February 6, 1981, the undersigned notified the parties that on the basis of the administrative investigation to date, it appeared that no substantial and material factual issues had been placed in dispute and that a valid question concerning representation existed in a prima facie appropriate unit. The undersigned provided an additional opportunity to the parties to present evidence as well as statements of position relating to the instant Petition. The undersigned stated that in the absence of any substantial and material factual disputed issues, he would thereafter issue a decision and direction of election. No further

evidentiary proffer or statement has been submitted to the undersigned.

Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned directs that an election be conducted among employees in the existing unit: All clerical personnel, but excluding the Executive Secretary to the Superintendent, Assistant Executive Secretary to the Superintendent, Secretary to the Board Secretary and School Business Administrator, Bookkeeper to Board Secretary and School Business Administrator, substitutes and all supervisory employees, managerial executives, confidential employees, craft employees and police within the meaning of the Act. 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 file with the undersigned, an 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 the undersigned no later than ten (10) days prior to the date of election. Copies of the eligibility list shall be simultaneously filed with the Petitioner and with the Mount Holly Township School Secretarial/Clerical Association, N.J.E.A. with 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 or not they desire to be represented for the purpose of collective negotiations by the Mount Holly Township School Secretarial/Clerical Association, N.J.E.A.

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.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: March 31, 1981
Trenton, New Jersey