

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

In the Matter of

WEEHAWKEN BOARD OF EDUCATION,

Public Employer,

-and-

DOCKET NO. RO-81-180

WEEHAWKEN ADMINISTRATORS'
ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, orders an election among principals, assistant principals and certain administrators employed by the Board. Noting the Board's claim that the senior high school principal should not be included in the unit, the Director finds that the senior high school principal may vote subject to challenge.

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Appearances:

For the Public Employer
Krieger & Chodash
(Brian N. Flynn, Esq.)

For the Petitioner
Peter J. Olivieri, President

DECISION AND DIRECTION
OF ELECTION

On January 29, 1981, a Petition for Certification of a Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission") by the Weehawken Administrators Association (the "Association") with respect to a proposed unit consisting of Principals, Assistant Principals and certain other administrators employed by the Weehawken Board of Education (the "Board"). In accordance with N.J.A.C. 19:11-2.2, the undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in the petition.

On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

1. The Weehawken 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., is the employer of the employees in question and is subject to the provisions of the Act.

2. The Weehawken Administrators Association is an employee organization within the meaning of the Act and is subject to the provisions thereof.

3. The Board contends that the unit petitioned for is inappropriate, because the senior high principal is a confidential employee and/or has a conflict of interest with the assistant principal.

4. The Board does not otherwise challenge the appropriateness of the unit.

5. The Board and the Association agree that a question concerning representation exists in the unit.

6. A petition for Certification of Public Employee Representative having been filed, and the parties not having agreed to a secret ballot election, a dispute exists and the matter is properly before the undersigned for a determination.

The sole controversy in this matter is the appropriateness of including the senior high school principal in the petitioned for unit. There is no dispute concerning the appropriateness of the inclusion of other principals of the school district in the petitioned for unit. The appropriateness of the unit itself and the fact that a valid question concerning representation exists are not disputed by the parties.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned determines that a valid question concerning representation exists, that an election will reflect the free choice of employees in what is hereby determined to be an appropriate unit, and that the policies of the Act will be effectuated by the direction of an election. The undersigned has previously determined that disputes relating to an inconsequential number of employees proposed for unit inclusion should not delay an election for the overwhelming majority of undisputed eligible employees, and this instance is appropriate for the application of this policy. See In re Twp. of No. Brunswick, D.R. No. 78-4, 3 NJPER 260 (1977). The disputed employee may be challenged at the election by the Board and his eligibility may be resolved subsequent to the election, if necessary. The undersigned finds that the appropriate unit for collective negotiations is: All Principals, Assistant Principals, Director of Adult Education, Funding and Curriculum, and Director of Pupil Personnel Services employed by the Weehawken Board of Education, but excluding all other employees including managerial executives, confidential employees, craft employess and police.

Accordingly, the undersigned directs that an election be conducted among the employees described above, and further directs that the senior high school principal may vote subject to challenge by the Board. 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 preceeding the date below, including employees who did not work during the period because they were out ill, or on vacation, or temporarily

laid off, including those in military service. Employees must appear in person at polls in order to be eligible to vote.

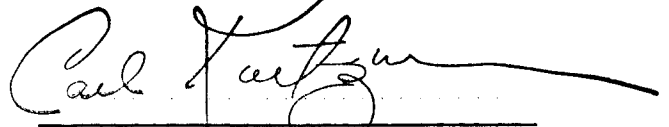
Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of the election.

Pursuant to N.J.A.C. 19:11-9.6, the Board is directed to file with the undersigned and with the Association, an election eligibility list in each unit 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 lists must be received by the undersigned no later than ten(10) days prior to the date of the election. A copy of the eligibility lists shall be simultaneously filed with the Association with statements of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility lists except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they wish to be represented for the purpose of collective negotiations by the Weehawken Administrators Association.

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 shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: April 30, 1981
Trenton, New Jersey