

D.R. NO. 87-28

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

In the Matter of

TEANECK BOARD OF EDUCATION,

Petitioner,

-and-

Docket No. CU-87-15

TEANECK EDUCATION ASSOCIATION,

Employee Organization.

SYNOPSIS

The Director of Representation clarifies a unit of regular classroom teachers to include the position of auxiliary instructor. The Director refused to address the question of salary guide placement or appropriate job classification for the employees being clarified in the context of a clarification of unit proceeding.

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Appearances:

For the Petitioner
Kenney and Kenney, Esqs.
(Malachi J. Kenney, of counsel)

For the Employee Organization
Bucceri and Pincus, Esqs.
(Louis P. Bucceri, of counsel)

DECISION

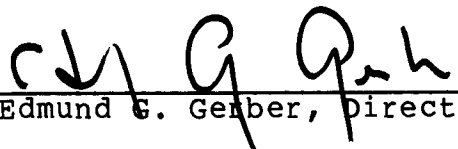
On October 21, 1986, the Teaneck Board of Education ("Board") filed a Petition for Unit Clarification and Declaratory Judgment with the Public Employment Relations Commission ("Commission") seeking to clarify whether supplemental and auxiliary teachers employed by the Board are included in the existing unit of classroom teachers currently represented by the the Teaneck Teachers Association ("Association"). The Board initially took the position that the auxiliary instructors are in a separate unit.

However, the Association maintains that the auxiliaries are currently in the teacher unit. The Board now takes the position that

it is not opposed to inclusion of the position of auxiliary instructor in the classroom teacher's bargaining unit.^{1/} The Commission has long held that auxiliary instructors have a significant community of interest with the regular classroom teachers. Given that the positions of the parties are consistent with Commission case law, Ridgewood Bd. of Ed., P.E.R.C. No. 82-14, 7 NJPER 462 (¶12204 1981); East Orange Bd. of Ed., D.R. No. 81-7, 6 NJPER 481 (¶11244 1980); and Hamilton Twp. Bd. of Ed., D.R. No. 80-23, 6 NJPER 99 (¶11051 1980), the teachers unit is clarified to include the position of auxiliary instructor.

We hold that the auxiliary instructors employed by the Board have a significant community of interest with the regular classroom teachers and, accordingly, the teachers' unit is clarified to include the position of auxiliary instructor.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Genber, Director

Dated: May 7, 1987
Trenton, New Jersey

^{1/} The parties have been unable to reach an agreement on including these auxiliary instructors into the teachers unit because of a dispute over their placement on the salary guide. However, the purpose of a clarification of unit petition is only to resolve questions concerning the scope of a collective negotiations unit. Clearview Reg. H.S. Bd. of Ed., D.R. No. 78-2, 3 NJPER 248 (1977). Determinations regarding salary guide placement of the employees being clarified or their appropriate job classification are inappropriate in a clarification of unit proceeding. Nor will the Commission retroactively clarify employees into a unit. Clearview, supra. The only question properly before the Commission is in what unit the auxiliary instructors should be placed (i.e. whether they should be included in the teachers' unit).