

D.R. NO. 2019-4

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

In the Matter of

LAKEWOOD TOWNSHIP BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-2019-005

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
LOCAL 701,

Petitioner.

SYNOPSIS

The Acting Director of Representation orders that International Brotherhood of Teamsters, Local 701 (Local 701), be certified as the exclusive representative of school bus drivers and school bus aides employed by the Lakewood Township Board of Education (Board), based upon a card check. The Board did not sign a Stipulation of Appropriate Unit but nevertheless indicated that it would not contest the appropriateness of the unit described in the unsigned stipulation. In the absence of objections from the Board, since Local 701 complied with the card check regulations, the Acting Director certified Local 701 as the majority representative for the described unit.

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LOCAL 701,

Petitioner.

Appearances:

For the Public Employer,
Cohen, Leder, Montalbano and Connaughton, LLC,
attorneys
(Brady M. Connaughton, of counsel)

For the Petitioner,
(Michael I. Inzelbuch, of counsel)

DECISION

On June 27, 2018, International Brotherhood of Teamsters, Local 701 (Local 701) filed a petition for certification of public employee representative seeking to represent all full-time and part-time school bus drivers and school bus aides employed by the Lakewood Township Board of Education (Board). Local 701 seeks certification by card check and believes it is the only organization seeking to represent the petitioned-for employees. The petition was accompanied by authorization cards signed by a majority of employees in the petitioned-for unit.

On August 10, 2018, I issued a letter to the Board, together with a copy of the petition, a Notice to Employees for posting by the Board, and a Certification of Posting. The letter solicited, among other items, an alphabetical list of employees in the proposed unit, the names of any other organizations which have claimed an interest in representing any of the employees in the proposed unit within the past 12 month period, and any existing or recently expired collective negotiations agreements covering any of the petitioned-for employees.

On August 10, 2018, the Board filed a letter advising that no other organizations have expressed interest in representing the bus drivers or bus aides. Nor did it provide or identify any collective negotiations agreements regarding those employees. The Board provided the Certification of Posting it signed on August 10, 2018, and the alphabetized list of employees. The Notice has been posted for the requisite period. N.J.A.C. 19:11-2.4(c). The authorization cards Local 701 provided with the petition are signed by a majority of the employees identified on the Board's list. See N.J.A.C. 19:11-2.6(b).

On August 13, 2018, a Commission staff agent sent a proposed Stipulation of Appropriate Unit to the parties, describing the unit as including "[a]ll regularly employed school bus drivers and school bus aides employed by Lakewood Township Board of Education," and excluding "[m]anagerial executives, confidential

employees and supervisors within the meaning of the Act; craft employees, professional employees, police, casual employees and all other employees of the Lakewood Township Board of Education." The staff agent explained that if the parties signed the stipulation, the in-person conference scheduled for August 16, 2018, could be cancelled. The conference was rescheduled as a telephone conference for the same date, pursuant to the Board Counsel's request but Board Counsel was unavailable for the conference call at the appointed time that day.

Also on August 16, the staff agent issued a letter to the parties providing that Local 701's petition was accompanied by authorization cards signed by a majority of the petitioned-for employees, pursuant to the list provided by the Board; that no other union appeared to have any interest in the petitioned-for unit; and that Local 701 had signed the Stipulation of Appropriate Unit. The letter also advised that the Board requested an extension of time, until August 23, 2018, to sign the Stipulation of Appropriate Unit.

On August 24, 2018, we sent a letter to the parties advising that we had not received a signed Stipulation of Appropriate Unit from the Board. The letter requested statements of position concerning the appropriateness of the unit described in the unsigned stipulation by August 28, 2018, with any factual representations certified by a person with knowledge. The letter

further advised that the failure to provide certifications may lead to an adverse factual finding.

No position statements or certifications were provided by either party. Although the Board did not sign the Stipulation of Appropriate Unit, it nevertheless indicated by correspondence on September 1 and 4, 2018, that it would not contest the appropriateness of the unit definition in the unsigned stipulation.

I have conducted an administrative investigation to determine the facts. N.J.A.C. 19:11-2.2. The disposition of the petition is properly based upon our administrative investigation. No substantial or disputed material facts require us to convene an evidentiary hearing. N.J.A.C. 19:11-2.2 and 2.6.

ANALYSIS

In comparing the Board-provided list of employees in the petitioned-for unit with the number of valid authorization cards filed by Local 701, I have determined that a majority of petitioned-for employees have designated Local 701 as their representative for purposes of collective negotiations. N.J.A.C. 19:11-2.6(b). In the absence of any objections from the Board, I determine that Local 701 is entitled to certification regardless of the absence of a Stipulation of Appropriate Unit signed by both parties. See City of Perth Amboy, D.R. No. 2010-2, 35 NJPER 243 (¶87 2009).

Accordingly, I find that the following unit is appropriate for collective negotiations:

Included: All regularly employed school bus drivers and school bus aides employed by Lakewood Township Board of Education.

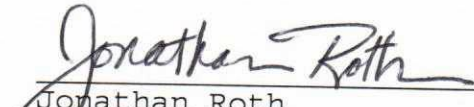
Excluded: Managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, professional employees, police, casual employees and all other employees of the Lakewood Township Board of Education.

ORDER

Local 701 has met the requirements of the Act, and it is entitled to certification based upon the authorization cards from a majority of the employees in the petitioned-for unit.

I certify International Brotherhood of Teamsters, Local 701, as the exclusive representative of the unit described above based upon its authorization cards.^{1/}

By Order of the Acting
Director of Representation


Jonathan Roth
Acting Director of Representation

DATED: September 5, 2018
Trenton, New Jersey

^{1/} A Certification of Representative is attached.

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by September 17, 2018.

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**CERTIFICATION OF REPRESENTATIVE
BASED UPON AUTHORIZATION CARDS**

In accordance with the New Jersey Employer-Employee Relations Act, as amended, and the Rules of the Public Employment Relations Commission, we have conducted an investigation into the Petition for Certification filed by the above-named Petitioner. The Petitioner has demonstrated by card check that a majority of the unit employees described below have designated the Petitioner as their exclusive representative for purposes of collective negotiations, and, no other employee organization has expressed a valid interest in representing these employees.

Accordingly, **IT IS HEREBY CERTIFIED** that

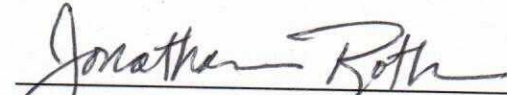
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 701

is now the exclusive representative of all the employees included below for the purposes of collective negotiations with respect to terms and conditions of employment. The representative is responsible for representing the interests of all unit employees without discrimination and without regard to employee organization membership. The representative and the above-named Employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment as required by the Act.

UNIT: Included: All regularly employed school bus drivers and school bus aides employed by Lakewood Township Board of Education.

Excluded: Managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, professional employees, police, casual employees and all other employees of the Lakewood Township Board of Education.

DATED: September 5, 2018
Trenton, New Jersey



Jonathan Roth, Acting Director of
Representation

Attachment:

Certification of Representative dated: September 5, 2018

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LAKEWOOD TOWNSHIP BOARD OF EDUCATION

-and-

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 701

Docket No. RO-2019-005

Service on the following:

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