

D.R. NO. 2022-2

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

In the Matter of

SOUTH BRUNSWICK BOARD OF  
EDUCATION,

Public Employer,

-and-

Docket No. RO-2022-031

SOUTH BRUNSWICK ASSOCIATION  
OF BEHAVIOR TECHNICIANS

Petitioner.

**SYNOPSIS**

The Director of Representation certifies South Brunswick Association of Behavior Technicians as the exclusive representative of a unit of previously unrepresented behavior technicians employed by the South Brunswick Board of Education. The Board did not sign a stipulation as to the appropriate unit but also did not raise any objection or dispute as to the unit. The Director found that the Association had submitted valid authorization cards from a majority of the employees in the unit based on the list provided by the Board and certified the Association accordingly.

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Petitioner.

Appearances:

For the Public Employer,  
Porzio Bromberg & Newman, PC attorneys  
(Kerri A. Wright, of counsel)

For the Petitioner,  
(Thomas Hayden, NJEA Field Representative)

**DECISION**

On February 2, 2022, South Brunswick Association of Behavior Technicians (Association) filed a representation petition for certification by card check with an adequate showing of interest for the petitioned-for unit of currently unrepresented behavior technicians employed by the South Brunswick Board of Education (Board). A Commission staff agent held a telephone conference with the parties on February 15th. On February 16th, the Board provided a list of the petitioned-for employees that by comparison confirmed that the Association had submitted valid signed authorization cards from a majority. The Board also

provided a certification confirming that the Notice to Employees was posted on February 15th.

A stipulation of appropriate unit was circulated to but not signed by the Board. The staff agent informed the Board that if a formal objection to the unit description within the stipulation was not made by February 24th, the Director of Representation would issue a decision on whether the petitioner had satisfied the statutory and regulatory requirements for certification as the majority representative of that unit. On February 24th, the parties jointly requested that the matter be held in abeyance until March 10 for discussions regarding the unit. That request was approved. On March 10th, the Board wrote that it was not taking any position on the petition.

We have certified petitioning organizations by card check where the petitioner has submitted valid authorization cards from a majority of the petitioned-for employees and the employer, while not stipulating to the appropriateness of the unit, nevertheless does not raise any objection. City of Perth Amboy, D.R. No. 2010-2, 35 NJPER 243 (¶87 2009) (certifying petitioner as the majority representative for de novo unit of 911 emergency dispatchers in the absence of a signed stipulation or objections). See also N.J.S.A. 34:13A-5.3 (Commission shall not intervene in matters of unit definition except in the event of a dispute).

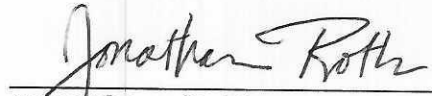
The Association has submitted valid authorization cards from a majority of the employees in the unit defined in the unsigned stipulation based on the list provided by the Board. I find that the following unit is appropriate:

**Included:** All regularly employed behavior technicians employed by the South Brunswick Board of Education.

**Excluded:** Managerial executives, confidential employees, and supervisors within the meaning of the Act; craft employees, professional employees, police, casual employees; employees in other existing negotiations units; all other employees of the South Brunswick Board of Education.

**ORDER**

I certify the South Brunswick Association of Behavior Technicians as the exclusive representative of the unit described above, based upon its authorization cards.<sup>1/</sup>

  
\_\_\_\_\_  
Jonathan Roth  
Director of Representation

DATED: March 14, 2022  
Trenton, New Jersey

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 March 24, 2022.

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<sup>1/</sup> The formal certification is attached.

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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

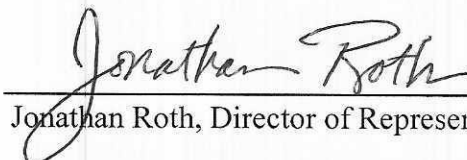
**SOUTH BRUNSWICK ASSOCIATION OF BEHAVIOR TECHNICIANS**

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 behavior technicians employed by the South Brunswick Board of Education.

**Excluded:** Managerial executives, confidential employees, and supervisors within the meaning of the Act; craft employees, professional employees, police, casual employees; employees in other existing negotiations units; all other employees of the South Brunswick Board of Education.

**DATED:** March 14, 2022  
Trenton, New Jersey

  
\_\_\_\_\_  
Jonathan Roth, Director of Representation

**Attachment:**

**Certification of Representative dated:** March 14, 2022

**In the Matter of**

SOUTH BRUNSWICK BOARD OF EDUCATION

-and-

SOUTH BRUNSWICK ASSOCIATION OF BEHAVIOR TECHNICIANS

Docket No. RO-2022-031

**Service on the following:**

Kerri A. Wright, Esq.  
Porzio, Bromberg & Newman, PC  
100 Southgate Pkwy  
PO Box 1997  
Morristown, NJ 07962

Tom Hayden  
Field Rep  
NJEA Regional Office 11/12  
91 Fieldcrest Ave Ste A3  
Edison, NJ 08837