

D.R. NO. 94-21

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

In the Matter of

MONMOUTH COUNTY EDUCATIONAL
SERVICES COMMISSION,

Public Employer-Petitioner,

-and-

Docket No. CU-94-1

MONMOUTH COUNTY EDUCATIONAL
SERVICES ASSOCIATION,

Employee Organization.

SYNOPSIS

The Director of Representation orders that a unit of professional employees be clarified to exclude the title of latchkey careperson. The Director saw no evidence that the disputed title was ever included in the unit; nor had any of the three collective negotiations agreements (i.e., the recognition paragraphs) executed since 1987, referred to the disputed employees. Furthermore, the facts indicated that the public employer had consistently set the wages, hours and working conditions.

D.R. NO. 94-21

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

In the Matter of

MONMOUTH COUNTY EDUCATIONAL
SERVICES COMMISSION,

Public Employer-Petitioner,

-and-

Docket No. CU-94-1

MONMOUTH COUNTY EDUCATIONAL
SERVICES ASSOCIATION,

Employee Organization.

Appearances:

For the Public Employer-Petitioner
McOmber & McOmber, attorneys
(J. Peter Sokol, of counsel)

For the Employee Organization
Klausner, Hunter, Cige & Seid, attorneys
(Stephen B. Hunter, of counsel)

DECISION

On July 9, 1993, the Monmouth County Educational Services Commission filed a petition for clarification of unit seeking to clarify its negotiations unit of about 120 professional employees. It is seeking to exclude about 27 "latchkey plus carepersons" and maintains that this title is not currently included in the unit.

The Monmouth County Educational Services Association represents a collective negotiations unit of certified teachers and

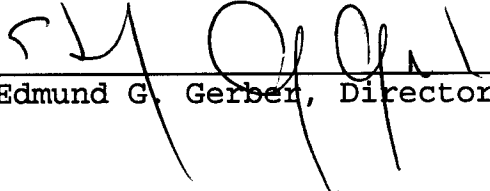
asserts that the disputed title is included within the recognition clause of the existing contract. The clause provides that the Association represents all "full-time and part-time certified teaching personnel." It maintains that all of the latchkey carepersons possess teaching certificates.

The latchkey careperson title was created in 1987 to provide child care before and after school hours. The program is operated in elementary schools in Monmouth and Ocean Counties. The carepersons supervise children in various activities. Their duties include maintaining a "safe, predictable and stimulating environment," adapting programs to the needs of the participating children, and updating their records, etc. The job description submitted by the employer provides that to qualify for the position, applicants must either possess a teaching certificate or have at least one year experience in child care. The position is part-time and performed ten months of the year. During the current school year, 4 of the 27 latchkey carepersons were not certified teachers.

The parties have negotiated three collective agreements since 1987. The recognition clause has not varied. The Educational Services Commission has set the wages and hours for the latchkey carepersons since 1987 without negotiations and no memorialization of salaries or benefits has been provided to this Commission. The carepersons receive no health benefits or other benefits provided for in the contract between the Educational Service Commission and the Association.

There is no evidence in the record which would demonstrate that the latchkey carepersons were ever in the negotiations unit. Accordingly, the unit of part-time and full-time teaching personnel is clarified to exclude the latchkey carepersons.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: March 21, 1994
Trenton, New Jersey