

D.R. NO. 92-34

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

In the Matter of

LOWER CAMDEN COUNTY REGIONAL
BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-92-172

LOWER CAMDEN COUNTY REGIONAL
EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation orders an election among the Board's central office clerical employees. The Director finds that a dispute concerning a retiring employee's right to vote should not impede an election among the unit employees. The employee's voting eligibility can best be resolved through the Commission's challenged ballot procedure.

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Appearances:

For the Public Employer
Weinberg & McCormick attorneys
(Barry Chatzinoff, of counsel)

For the Petitioner
New Jersey Education Association
(James Geiger, Field Representative)

DECISION AND DIRECTION OF ELECTION

On April 8, 1992, the Lower Camden County Regional Education Association filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission. The Association seeks to represent a unit of approximately 25 unrepresented clerical and administrative employees employed in the central offices of the Lower Camden County Regional High School District Board of Education. The parties agree that the unit described below is appropriate for collective negotiations:

Included: All clerical and support services employees in the central offices of the Lower

Camden County Regional Board of Education, to be added to the existing collective negotiations unit of teachers and support employees.

Excluded: All supervisors within the meaning of the Act, confidential employees, managerial executives, police employees, craft employees, administrators, the assistant to the business administrator, the secretary to the superintendent of schools, the data processing director and all other employees.

Although both parties consent to an election among the petitioned-for employees, the parties disagree about whether one employee is eligible to vote in the election. In October, 1991, Senior Bookkeeper Margaret Contino gave notice to the Board that she intends to retire effective July 15, 1992. Her position will then be abolished and a new position, Accountant (Accounts Payable), will be filled. The Board asserts that Contino should not participate in this election because of her imminent retirement. The Association asserts that since Contino is still on the payroll and continues to work in the district, she should be permitted to vote in the election.

The parties agree that the senior bookkeeper position is appropriate for unit inclusion, and disagree only about Contino's eligibility to vote. Where the number of disputed employees is small relative to the total number of eligible voters, and the unit sought is otherwise appropriate, we will conduct an election and permit the party raising the dispute to challenge the eligibility of the disputed employee at the election. Borough of Leonia, P.E.R.C. No. 86-143, 12 NJPER 523 (¶17195 1986); New Jersey Civil Service Association, D.R. No. 81-20, 7 NJPER 41, 45 (¶12019 1980); County of

Morris Park Commission, D.R. No. 80-17, 6 NJPER 37 (¶11019 1979); Tp. of North Brunswick, D.R. No. 78-4, 3 NJPER 260 (1977). This is the appropriate procedure here. Contino shall be permitted to vote by challenged ballot. If her vote is determinative of the election results, we will investigate to determine her eligibility. Leonia.

Accordingly, I direct that an election be conducted among the clerical and support services employees in the Board's central offices to determine whether they wish to be represented by the Lower Camden County Regional Education Association. The Board may challenge Contino's voter eligibility at the election.

The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the military service. Employees must appear in person at the 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 before the election date.

Pursuant to N.J.A.C. 19:11-9.6, the public employer is directed to file with us an eligibility list 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 list must be received by us no later than ten (10) days prior to the date of the election. A copy

of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

The exclusive representative, if any, shall be determined by a majority of the valid votes cast in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: June 11, 1992
Trenton, New Jersey