

D.R. NO. 88-12

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

In the Matter of

PATERSON BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-88-18

PATERSON PRINCIPALS' ASSOCIATION,

Petitioner.

Synopsis

The Director of Representation directs an election among employees employed by the Paterson Board of Education serving in the title of Principal. Although the Paterson Board of Education refused to enter into an Agreement for Consent Election, it neither objected to nor expressed any arguments against the conduct of an election.

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Appearances:

For the Public Employer  
Robert Rosenberg, Esq.

For the Petitioner  
Harold Simon, President

DECISION AND DIRECTION OF ELECTION

On September 1, 1987, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission ("Commission") by the Paterson Principals' Association ("Petitioner") seeking to represent a collective negotiations unit consisting of all employees employed by the Paterson Board of Education ("Board") serving in the title of Principal. The Petition is supported by an adequate showing of interest. The employees sought in the Petition are currently included in a collective negotiations unit represented by the Paterson Administrators' Association and covered by a collective agreement expiring June 30, 1988. The Paterson Administrators'

Association has indicated that it does not wish to intervene in this matter and does not object to the severance of the Principals from its collective negotiations unit. Consequently, the Paterson Administrators' Association will not participate in an election conducted pursuant to the instant Petition. The composition of the negotiations unit sought in the Petition would constitute an appropriate unit.

On September 23, 1987, an informal investigatory conference was convened by a Commission staff attorney in order to determine the relevant facts. See N.J.A.C. 19:11-2.2 and N.J.A.C. 19:11-2.6. The disposition of this matter is properly based on our administrative investigation. We have not found any substantial and material factual disputes which may more appropriately be resolved through an evidentiary hearing.

The Petitioner requests that the instant Petition be processed and an election be conducted without delay.

The Paterson Board of Education advised the Commission that it would take no position with respect to the instant Petition. The Board neither agreed nor objected to the conduct of an election in regard to the instant Petition. While the Board was advised of the conduct of the investigatory conference, no representative attended the conference on its behalf. Consequently, while the Board has refused to consent to an election, it has set forth neither facts nor arguments indicating that the petitioned-for unit is in any manner inappropriate or that an election should not be conducted.

Thus, there appears to be no basis to refrain from the conduct of a secret ballot election. See Twp. of Winslow, D.R. No. 87-8, 12 NJPER 784 (¶17298 1986); Borough of Point Pleasant Beach, D.R. NO. 87-4, 12 NJPER 657 (¶17247 1986); Twp. of Washington, D.R. No. 86-15, 12 NJPER 226 (¶17093 1986); Borough of Interlaken, D.R. No. 86-9, 12 NJPER 57 (¶17022 1985); Borough of Haddonfield, D.R. No. 83-13, 8 NJPER 588 (¶13273 1982).

Accordingly, pursuant to N.J.A.C. 19:11-2.6(b)(3), we direct that an on-site secret ballot election be conducted in a unit comprised as follows: Included - All employees serving in the title Principal employed by the Paterson Board of Education; excluded - all managerial executives, confidential, police, and craft employees within the meaning of the Act, all nonsupervisory employees, all nonprofessional employees and all other employees currently represented in any other collective negotiations unit including, but not limited to, all employees serving in the titles vice-principal, supervisor, assistant supervisors, director of adult education, director of pupil personnel services, director of special services, director of funded programs, director of research and special projects, assistant director of special services, assistant director of funded programs, administrative assistant, basic skills improvement program coordinator, gifted and talented program coordinator, career development program coordinator, high school department head, high school dean, affirmative action officer, coordinator of special services, coordinator of the resource center

and district media specialist.

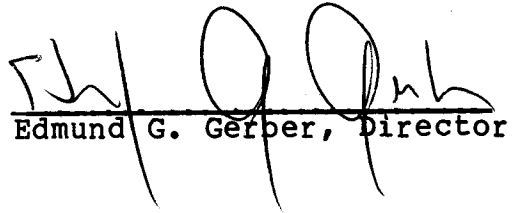
Those eligible to vote are the employees set forth above who were employed during the payroll period immediately preceding the date of this decision, including employees who did not work during that period because they were out ill, on vacation, temporarily laid off, or in military service. Employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date are ineligible. We direct the Board to simultaneously file with us and with the Petitioner, Paterson Principals' Association, 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, pursuant to N.J.A.C. 19:11-9.6. The Board shall also file with us an accompanying proof of service. We and the Petitioner must receive the eligibility list no later than ten (10) days prior to the date of the election. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether they desire to be represented for the purpose of collective negotiations by the Paterson Principals' Association, or no employee organization.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the

election. The election shall be conducted in accordance with the Commission's rules and shall take place no later than thirty (30) days from the date of this decision.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: October 1, 1987  
Trenton, New Jersey