

D.R. NO. 2015-5

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

In the Matter of

BRIDGETON BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-2015-018

BRIDGETON SCHOOL EMPLOYEES
ASSOCIATION/NJEA,

Petitioner.

SYNOPSIS

The Director certifies by card check the addition of attendance officers to the existing unit of instructional aides, playground aides, cafeteria aides, bus aides and security monitors employed by the Bridgeton Board of Education. The Director finds that the unit is appropriate in light of the Commission's policy favoring broad-based units of non-supervisory education employees and the statutory rights of eligible public employees to representation. Moreover, the Director determines that the Board failed to demonstrate that no community of interest exists between the attendance officers and the titles in the existing unit.

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Appearances:

For the Public Employer
Chance & McCann, LLP
(Kevin McCann, of counsel)

For the Petitioner
(James Jameson, Representative)

DECISION

On October 15, 2014, the Bridgeton School Employees Association ("Association") filed a representation petition seeking to add the title attendance officer employed by the Bridgeton Board of Education ("Board") to its existing collective negotiations unit. The current unit description is set forth in the recognition provision of the parties' most recent collective negotiations agreement, extending from July 1, 2012 through June 30, 2015, as "all Bridgeton School Employees Association [sic], employed by the Bridgeton Board of Education including but not limited to instructional aides, playground aides, cafeteria

aides, bus aides and security monitors." The petition, seeking certification without election, was accompanied by valid authorization cards signed by a majority of employees in the petitioned-for title. The Board opposes the petition, arguing that the petitioned-for title lacks a community of interest with the existing unit.

We have conducted an administrative investigation. N.J.A.C. 19:11-2.2. The petition appears to be timely filed. N.J.A.C. 19:11-2.8(c)3. On November 7, 2014, we notified the Board of the petition, requested it to provide a list of employees identified in the petition, and to post a notice to public employees describing the petitioned-for unit. On November 20, 2014, the Board provided the list of employees and advised that it posted the notice on November 13, 2014. Based on the Board's list, we have determined that a majority of the petitioned-for employees timely signed valid authorization cards designating the Association as their representative for purposes of collective negotiations. N.J.A.C. 19:11-2.6(b).

On December 10, 2014, a conference call was conducted among the parties. The Board objected to the petitioned-for unit, claiming that the petitioned-for title does not share a community of interest with the extant unit. On the same date, we issued a letter requesting the parties to provide evidence, including certifications, in support of their respective positions. The

Board filed a letter dated December 24, 2014. The Association filed an undated letter that was received by this office on December 23, 2014. After reviewing the parties' submissions, I believe that no disputed substantial and material facts warrant a formal hearing. N.J.A.C. 19:11-2.6(f). On February 11, 2015, I issued a letter setting forth tentative findings of fact, conclusions of law and a tentative determination that the petitioned-for titles should be added to the extant unit represented by the Association. I wrote of my intention to find that the petitioned-for unit is appropriate for collective negotiations. I invited the parties to file responses by the close of business on February 23, 2015. Neither party filed a response. The following facts appear.

The Board is a public employer within the meaning of the New Jersey Employer-Employee Relations Act ("Act"). N.J.S.A. 34:13A-1 et seq.

On November 18, 1987, we issued a certification of representative to the Bridgeton School Aides Association, NJEA for the following unit: "All school aides employed by the Bridgeton Board of Education including but not limited to instruction aides, playground aides, cafeteria aides, bus aides, and corridor aides." This unit description is consistent with the recognition provision of the parties' most recent collective

negotiations agreement, extending from July 1, 2012 through June 30, 2015.

Twelve (12) attendance officers are currently employed by the Board. The Board argues that no community of interest exists among the petitioned-for title and unit employees because attendance officers report directly to the Superintendent, whereas the majority of unit employees report to other non-unit employee supervisors. According to the Board, because the duties and responsibilities of unit employees are so different than those of the petitioning attendance officers, the Association will "be unable to advance a cohesive bargaining position." Therefore, the Board maintains that asserted circumstance deprives the petitioned-for unit of a community of interest.

The Board also argues that permitting the attendance officers to join the Association is "likely to open the floodgates and encourage other unrepresented employees to find a union to join." The Board argues that if all employees joined unions, the Board's costs for negotiations and legal expenses would increase. The Board did not identify any other unrepresented titles.

The Association contends that its petition is appropriate because it merely seeks to add non-certificated, support titles to an existing unit of non-certificated support staff in a school district. The Association notes that its recognition provision

is inclusive, rather than exclusive of titles not specifically listed. The Association attached to its letter a job description for the position of "attendance officer." It specifies that attendance officers work under the direction of the security director and school principal by tracking attendance and following-up on excessive student absenteeism.

The Commission determines in each instance which unit is appropriate for collective negotiations. N.J.S.A. 34:13A-6(d). We are obligated to define the appropriate unit with ". . . due regard for the community of interest among the employees concerned." N.J.S.A. 34:13A-5.3. Our Supreme Court has affirmed the Commission's policy favoring broad-based negotiations units over units structured along departmental or occupational lines. State v. Prof'l Ass'n of N.J. Dep't of Educ., 64 N.J. 231 (1974). Broad-based units streamline negotiations by reducing the potential for such problems as "competing demands, whipsawing and continuous negotiations . . ." that could result from negotiations with numerous smaller units. Id. at 241 (quoting State of New Jersey (Prof'l Ass'n), P.E.R.C. No. 68, NJPER Supp. 273 (¶68 1972)).

The Commission has long held that broad-based units of education employees are appropriate for collective negotiations. See Piscataway Tp. Bd. of Ed., P.E.R.C. No. 84-124, 10 NJPER 272 (¶15134 1984); West Milford Bd. of Ed., P.E.R.C. No. 56 NJPER

Supp (§56 1971). It has specifically found that a community of interest exists among virtually all non-supervisory employees in an educational setting. Ramsey Bd. of Ed., D.R. No. 2011-8, 37 NJPER 124 (§36 2011).

The Board objects that attendance officers do not share the same supervisor with unit employees, whose supervision was not specified. Even if the attendance officers report directly to the Superintendent and unit employees do not, that fact is consistent with the Commission's holdings that in school districts particularly, all non-supervisory employees ". . . have a community of interest stemming from such factors as their shared goals, the central authority controlling their working conditions, and their common working facilities and environment." Piscataway Tp. Bd. of Ed., 10 NJPER 274. The Commission has also found that a lack of common supervision among titles in a proposed unit does not necessarily preclude a finding of a community of interest. See Bergen Cty. Hous. Auth., D.R. No. 88-37, 14 NJPER 449, 450 (§19185 1988) (finding a unit of all blue and white collar employees of the Authority to be appropriate).

The Board also alleges that no community of interest exists because the "duties and daily responsibilities of the various aides that currently make up the [Association] are so different from the officers that they would be unable to advance a coherent bargaining position." The Board has not submitted any evidence

of employee job responsibilities, nor any evidence suggesting that the proposed unit could not advance a coherent bargaining position. No facts suggest that differing job duties and responsibilities within the petitioned-for unit will generate any undue collective negotiations burdens or instabilities.

The Board has not identified any other unit into which the petitioned-for employees might be placed. The petitioning attendance officers have a statutory right to representation for purposes of collective negotiations, notwithstanding the Board's concern about increased costs.

I find that eligible public employees have exercised their statutory right to choose an exclusive representative and a majority representative seeks to change the scope of its unit by adding the titles of those employees. Under all of the circumstances, I further find that the titles in the proposed unit are appropriate for representation and shall be included in the extant unit.

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

Included: All attendance officers are added to the existing unit of instructional aides, playground aides, cafeteria aides, bus aides and security monitors employed by the Bridgeton Board of Education.

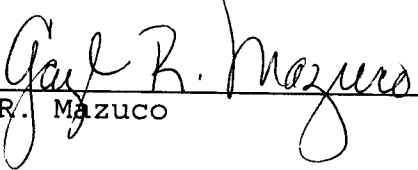
Excluded: Managerial executives, confidential employees and supervisors within the meaning of the Act; professional employees, craft employees, police, casual

employees and all other employees employed by
the Bridgeton Board of Education.

ORDER

I certify the Bridgeton School Employees Association as the
exclusive representative of the unit described above, based upon
its authorization cards.^{1/}

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Gayl R. Mazuco

DATED: February 26, 2015
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 12, 2015.

^{1/} An appropriate Certification of Representative will issue
with this decision.

Attachment:

Certification of Representative dated: February 26, 2015

In the Matter of

BRIDGETON BOARD OF EDUCATION

-and-

BRIDGETON SCHOOL EMPLOYEES ASSOCIATION

Docket No. RO-2015-018

Service on the following:

Kevin McCann
Chance & McCann, LLP
201 W Commerce Street
PO Box 278
Bridgeton, New Jersey 08302

James Jameson, Representative
Commercial Tp EA
1318 South Main Road, Suite 2B
Vineland, New Jersey 08360

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DOCKET NO. RO-2015-018

**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

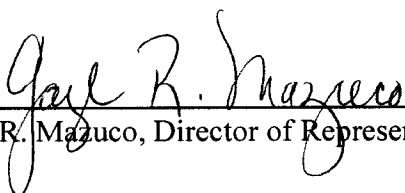
BRIDGETON SCHOOL EMPLOYEES ASSOCIATION

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 attendance officers are added to the existing unit of instructional aides, playground aides, cafeteria aides, bus aides and security monitors employed by the Bridgeton Board of Education.

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

DATED: February 26, 2015
Trenton, New Jersey



Gayl R. Mazuco, Director of Representation