

D.R. NO. 95-12

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

In the Matter of

CAMDEN COUNTY VOCATIONAL-TECHNICAL
BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-95-37

CAMDEN VOCATIONAL TEACHERS' ASSOCIATION,

Petitioner.

SYNOPSIS

On a unit consolidation petition, the Director of Representation orders a "globe" election among school support staff to choose whether they wish representation in a consolidated unit with teachers or continued representation in a separate unit. A professional option election among the teachers is also ordered.

The Director explains that, where both units are already represented by the same employee organization, there is no true question concerning representation, and it is unnecessary to place the choice of "no representation" on the ballot.

D.R. NO. 95-12

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

In the Matter of

CAMDEN COUNTY VOCATIONAL-TECHNICAL
BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-95-37

CAMDEN VOCATIONAL TEACHERS' ASSOCIATION,

Petitioner.

Appearances:

For the Public Employer:
Davis, Reberkenny & Abramowitz, attorneys
(William Davis, of counsel)

For the Petitioner:
Paul Leahy, NJEA Field Representative

DECISION AND DIRECTION OF ELECTION

On September 22, 1994, the Camden Vocational Teachers' Association filed a timely Petition for Certification of Public Employee Representative with the Public Employment Relations Commission. The Association seeks to consolidate a unit of secretaries, clerks and technicians with a unit of certificated teaching personnel. It currently represents both groups in separate units. The Board refuses to consent to a secret ballot election. While it does not object to the same organization representing both groups, it opposes negotiations for the groups as a single unit. It believes the groups' respective interests are too diverse to negotiate together as a single negotiations unit. It argues that the existing separate unit structures should not be disturbed.

We have conducted an administrative investigation in this matter which revealed the following facts. N.J.A.C. 19:11-2.2.

The clerical unit, consisting of approximately 75 employees, had been represented by the Cam/Voc Secretarial/Clerical/Technicians' Association, affiliated with the N.J.E.A. Sometime in 1993, the Cam/Voc Teachers' Association took over the representation of that unit and the Board so recognized it as the majority representative of the clerical/technical unit. The current collective agreement, which the Cam/Voc Teachers' Association administers, covers these support employees for the period July 1, 1992 through June 30, 1995. The recognition clause of that contract defines that unit as,

...all full-time day school secretarial/ clerical - technician personnel, [defined as] working 20 hours a week or more. The unit shall include only the following: twelve-month secretaries and clerks, ten-month clerks, and ten-month technicians (non-tenured).^{1/}

The teachers' unit, also represented by the Cam/Voc Teachers' Association, consists of about 200 full-time day school teaching personnel.

History of Negotiations

The Board and the Cam/Voc Teachers' Association have negotiated a series of contracts covering teachers since the early 1970s. The Board negotiated the first agreement with the secretaries'

^{1/} Technicians were formerly titled classroom aides.

unit in 1992. The current contracts for both units cover the period from July 1, 1992 through June 30, 1995.

The Board's employees are now organized into six separate collective negotiations units. In addition to the two units involved here, the Board also negotiates with a custodians' unit, two units of administrators, and a child study team unit.

The teachers' unit employees are all certificated; support staff are not required to have advanced education. Teachers, secretaries and technicians all work in the same buildings, including the schools and the district office. Most certificated staff work ten months per year. Secretaries work ten or twelve months depending on work assignment, and technicians and school clerks work ten months. Support staff employees receive vacation benefits and are eligible for overtime pay.

Teaching staff and support staff are all salaried. They receive identical health benefits, similar dental benefits, and similar leave benefits. They are subject to the same Board personnel policies.

* * *

The Board initially asserted that the support staff's terms and conditions of employment are different from those of teachers. The Board argued that secretaries and technical employees do not share a community of interest with teachers and should be required to remain as separate units.

The New Jersey Supreme Court has affirmed the Commission's policy of favoring negotiations units structured along broad-based, employer-wide lines rather than small units of separate occupational groupings. Broad-based units streamline negotiations by reducing the potential for such problems as "competing demands, whipsawing and continuous negotiations..." that result from negotiating with numerous smaller units. State of N.J. and Prof. Assn. of N.J. Bd. of Ed., 64 N.J. 231 (1974), aff'g P.E.R.C. No. 68. The Commission has long held that broad-based units of education employees -- both units of all school support staff employees and units combining support staff and professional staff -- are appropriate. West Milford Bd. of Ed., P.E.R.C. No. 56 (1971); Piscataway Tp. Bd. of Ed., P.E.R.C. No. 84-124, 10 NJPER 272 (¶15134 1984).

In Piscataway, the Commission found:

When a dispute concerning the propriety of including one or more groups of supportive staff with teachers and professional school district employees has arisen, the Commission since 1969 has consistently found, ...that teachers and supportive staff 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 and that this community of interest generally warrants giving teachers and supportive staff the opportunity to choose a unified representative in a single unit if they so desire. See West Milford Bd. of Ed., P.E.R.C. No. 56 (1971). In the Commission's judgment, affording teachers and supportive staff such an opportunity promotes labor stability since unified employee representation may permit negotiations with an already centralized and unified employer to proceed more smoothly. State of New Jersey and Professional Assn of N.J. Dept.

of Ed., 64 N.J. 231 (1974). (Emphasis in original.)

Piscataway, at p. 274.

Here, I find that the support groups share the same community of interest with teachers that we found in other school districts. Piscataway. The employees work together in the district's schools and share the common goal of providing students' education. The Board's centralized authority in the Superintendent's office controls its personnel policies affecting all its employees.

The Commission has generally given teachers and support staff employees the opportunity to choose unified representation in a single unit based on their community of interest, except where certain compelling circumstances may justify continuing separate units. Englewood Bd. of Ed., P.E.R.C. No. 82-25, 7 NJPER 516 (¶12229 1981). These compelling circumstances are not present here. Unlike Englewood, the Association is already the majority representative of both units of employees. As the support staff representative, the Association seeks, rather than opposes, consolidation of the units. As we have found in numerous decisions since Englewood, deciding whether to permit employees to vote on whether they wish a unified negotiations unit requires a balance of factors. Glen Rock Bd. of Ed., P.E.R.C. No. 84-125, 10 NJPER 275 (¶15135 1984); Piscataway; Bordentown Reg. Bd. of Ed., P.E.R.C. No. 84-126, 10 NJPER 276 (¶15136 1984), aff'd App. Div. Dkt. No. A-4503-83T6 (4/9/85); Bergen Cty. Voc. Schls. Bd. of Ed., P.E.R.C.

No. 84-127, 10 NJPER 279 (¶15137 1984); Freehold Reg. Bd. of Ed., P.E.R.C. No. 84-128, 10 NJPER 280 (¶15138 1984); and Barrington Bd. of Ed., P.E.R.C. No. 84-129, 10 NJPER 282 (¶15139 1984). In each of those cases, the Commission found that giving employees a chance to choose unified representation in a consolidated unit was appropriate even where there had been a lengthy history of negotiations of separate support staff units. Balancing all of the circumstances present here, I find either the existing separate units or a combined unit of both groups may be equally appropriate. Therefore, we will conduct a secret ballot election to permit the employees to decide if they want a unified negotiations unit. Piscataway; No. Bergen Bd. of Ed., D.R. No. 89-28, 15 NJPER 240 (¶20098 1989); Barneгат Bd. of Ed., D.R. No. 88-31, 14 NJPER 160 (¶19065 1988), request for rev. den. P.E.R.C. No. 88-79, 14 NJPER 223 (¶19081 1988), mot. for recon. den. P.E.R.C. No. 88-91, 14 NJPER 256 (¶19096 1988).

Pursuant to N.J.S.A. 34:13A-6, teachers will vote on whether they wish to be included in a negotiations unit with non-professional employees. Employees currently represented in the clerical/technician unit described above will vote on whether they wish to be represented by the Cam/Voc Teachers Association in a combined unit with teachers or in a separate unit. If both voting groups vote in favor of consolidation, we will issue a certification consolidating the units. If either group rejects consolidation, we will issue a certification confirming the existing separate unit

structures.^{2/} The election will be determined by a majority of voting employees in each unit.

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 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.

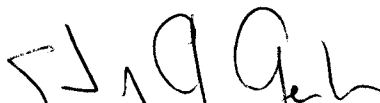
Pursuant to N.J.A.C. 19:11-9.6, the public employer is directed to file with us an alphabetized list of eligible employees in each voting unit described above, together with their last known home addresses and job titles. In order to be timely filed, the eligibility lists must be received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility lists shall be simultaneously provided to the Cam Voc Teachers Association with a statement of service filed with us. We shall not grant an

^{2/} The election ordered here is not to resolve a question concerning representation. All employees affected herein are already represented by the Cam Voc Teachers' Association. By conducting a secret ballot election, we are merely asking employees to express their unit configuration preference. Accordingly, this situation does not warrant placing the choice of "no representative" on the ballot, nor will this election result in a certification of representative.

extension of time within which to file the eligibility list except in extraordinary circumstances.

The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: December 12, 1994
Trenton, New Jersey