

STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
BEFORE THE ADMINISTRATOR OF REPRESENTATION PROCEEDINGS

In the Matter of

MOUNT OLIVE TOWNSHIP  
BOARD OF EDUCATION,

Public Employer,

-and-

DIANNE MEEHAN,

DOCKET NO. RD-83-6

Petitioner,

-and-

LOCAL 11, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS,

Intervenor.

SYNOPSIS

The Administrator of Representation Proceedings directs an election among unit members to ascertain whether they wish to continue to be represented by Local 11. Local 11's claim, in an unfair practice proceeding, that it had reached final agreement on a contract with the Board which should have been reduced to writing prior to the filing of the decertification petition, was not proven in the unfair practice forum. P.E.R.C. No. 84-73, 10 NJPER (¶ \_\_\_\_\_ 1983). Therefore, Local 11's claim that a contract bar existed could not be sustained.

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Appearances:

For the Public Employer  
Green & Dzwilewski, attorneys  
(Paul Green of counsel)

For the Petitioner  
Dianne Meehan, pro se

For the Intervenor  
Schneider, Cohen & Solomon, attorneys  
(Bruce D. Leder of counsel)

DECISION AND DIRECTION OF ELECTION

On May 5, 1983, the Director of Representation issued a decision in the above-titled matter, In re Mount Olive Township Bd. of Ed., Docket No. D.R. No. 83-29, 9 NJPER 633 (¶ 14271 1983), dismissing certain claims raised by Local 11, International Brotherhood of Teamsters ("Local 11") in opposition to the processing of

a Petition for Decertification of Public Employee Representative filed by the Petitioner herein. The Director of Representation, nevertheless, blocked the further processing of the instant representation petition in order to permit the litigation of several factual and legal issues raised in an unfair practice charge which could have impacted upon the application of "contract bar" provisions of N.J.A.C. 19:11-2.8. In the referenced charge Docket No. CO-83-162, Local 11 argued that had the Mount Olive Board of Education fulfilled its statutory responsibility to reduce to written form an agreement allegedly reached through negotiation prior to the filing of the decertification petition, the petition would not have been timely filed.

The Commission has now issued its final determination with respect to the unfair practice charge, In re Mount Olive Bd. of Ed., P.E.R.C. No. 84-73, \_\_\_ NJPER \_\_\_ (¶ \_\_\_ 1983), affirming a Hearing Examiner's findings and conclusions that the Board had not engaged in unfair practices and, more specifically, that Local 11 did not prove its claim that the parties had reached agreement in their negotiations. The Commission's determination as to the unfair practice charge, in conjunction with the Director of Representation's previous determination finding no merit with respect to the previously considered claims raised by Local 11 in the representation forum, brings to final resolve all issues raised in dispute in the above-titled matter.

Accordingly, on the basis of the above decisions, there is no longer an impediment to the conduct of a secret ballot election among the bus drivers comprising Local 11's negotiations unit for the purpose of ascertaining whether they wish to continue to be represented by Local 11.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in 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.

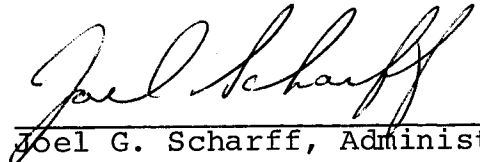
Pursuant to N.J.A.C. 19:11-9.6, the Board is directed to file with the undersigned and with the Petitioner and Local 11, an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of

the eligibility list shall be simultaneously filed with the Petitioner and Local 11 with statement of service to the undersigned. The undersigned 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 or not they wish to continue to be represented for the purpose of collective negotiations by Local 11.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election directed herein shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE ADMINISTRATOR  
OF REPRESENTATION PROCEEDINGS

  
Joel G. Scharff, Administrator

DATED: December 28, 1983  
Trenton, New Jersey