

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

In the Matter of

DELAWARE VALLEY BOARD OF EDUCATION,

Public Employer,

-and

DELAWARE VALLEY ADMINISTRATION
ASSOCIATION,

DOCKET NO. RO-81-65

Petitioner,

-and-

DELAWARE VALLEY TEACHERS ASSOCIATION,

Employee Organization.

SYNOPSIS

The Director of Representation denies intervention in a representation proceeding to an employee representative. The Director finds that the employees petitioned-for are not covered by the written agreement which the representative submitted as a basis for its request to intervene.

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Employee Organization.

Appearances:

For the Public Employer
Cassetta, Brandon Associates
(Raymond Cassetta, consultant)

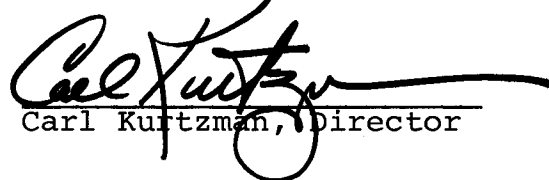
For the Petitioner
Robert Schwartz, attorney

For the Employee Organization
John Thornton, UniServ Rep.

DECISION AND ORDER

The Teachers Association's request to intervene in the above-titled matter is hereby denied for the reasons stated in the attached correspondence which is made a part hereof. The processing of this matter is hereby remanded to the assigned Commission staff agent for investigation.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kutzman, Director

DATED: January 16, 1981
Trenton, New Jersey



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
DIVISION OF REPRESENTATION AND UNFAIR PRACTICES

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December 23, 1980

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(C.M. R.R.R. 245716)

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(C.M. R.R.R. 245717)

John Thornton, UniServ Rep.
New Jersey Education Association
Route 4, Highways 202-31
Flemington, New Jersey 08822

(C.M. R.R.R. 245718)

Re: Delaware Valley Board of Education
-and-
Delaware Valley Administration Assn.
Docket NO. RO-81-65

Gentlemen:

On September 30, 1980, the Delaware Valley Administration Association (the "Petitioner") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission (the "Commission"), seeking to add the title of Director-Student Personnel Service to the existing unit of Principal and Vice Principal, which is currently represented by the Petitioner at the Delaware Valley Board of Education (the "Board").

Pursuant to N.J.A.C. 19:11-2.2, the undersigned has caused an administrative investigation to be conducted into the matters raised by the filing of the Petition. An informal conference was convened on October 15, 1980 by the Commission staff agent.

By letter dated September 30, 1980, the undersigned advised the Delaware Valley Teachers Association ("Teachers Association") of the informal conference and that if it

Raymond Cassetta, Consultant
Robert Schwartz, Esq.
John Thornton, UniServ Rep.
December 23, 1980
Page Two

desired to intervene in the instant matter, the Commission's rules require an appropriate showing of interest or a current or recently expired agreement covering the petitioned-for title. A representative of the Teachers Association attended the informal conference and requested intervenor status based upon a current written agreement with the Board covering "teachers, school nurse, librarians, guidance counsellors, secretaries, and clerk-typists."

To date, the investigation reveals the following:

1. The Delaware Valley Regional High School District Board of Education (the "Board") is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of the Petition and is subject to the provisions of the Act.

2. The Delaware Valley Administration Association and the Delaware Valley Teachers Association are employee organizations within the meaning of the Act and are subject to its provisions.

3. The Administration Association is the current exclusive representative of the negotiations unit of Principal and Vice Principal employees.

4. The Board, although submitting no formal response to the Commission concerning the Petition, has normally advised the Commission's staff agent that it takes a neutral position, and is not opposed to the inclusion of the title Director of Pupil Personnel Services in the existing administrators unit.


5. The Teachers Association, however, claims that the title is currently included in the unit represented by that Association, and that it is covered by the written agreement currently in effect for that unit.

6. The recognition clause of the current agreement described the unit for which the Board recognizes the Teachers Association as the sole and exclusive representative for collective negotiations as: "all employees listed below, whether under contract, or on per diem or to be employed by the Board: teachers, school nurse, librarian, guidance counsellors, secretaries and clerk-typists." The recognition clause further defined the unit as follows: "unless otherwise indicated, the term "teacher" as used in this Agreement shall refer to all those but only those Board Employees specified in Section A above, and whether male or female." (also known as the Director of Guidance)

Raymond Cassetta, Consultant
Robert Schwartz, Esq.
John Thornton, UniServ Rep.
December 23, 1980
Page Three

Inasmuch as it would appear that the title of Director of Pupil Personnel Service (or the Director of Guidance) is not included in the description of the unit currently represented by the Teachers Association, as enumerated in the recognition clause of the current agreement, and the contract is void of any other reference to such a title in any other section thereof, including salary guide, that based on the submissions to date, the Teachers Association has not satisfactorily demonstrated that it has met the requirements under N.J.A.C. 19:11-2.7 to be considered as a qualified intervenor in this matter. In the absence of documentary or other evidence in support of a different conclusion, the undersigned is inclined to dismiss the request to intervene by the Teachers Association, and remand the investigation to the assigned staff agent for further processing.

Very truly yours,



Carl Kurtzman, Director
of Representation

CK:arv