

D.R. NO. 96-8

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

In the Matter of

HARDYSTON TOWNSHIP BOARD
OF EDUCATION,

Public Employer,

-and-

Docket No. RO-96-54

HARDYSTON TOWNSHIP EDUCATION
ASSOCIATION/NJEA,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a petition filed by the Hardyston Township Education Association seeking to add the Secretary to the Child Study Team to its existing broad-based unit. The Director finds that the most appropriate unit for her is the secretarial unit represented by the Hardyston Township Secretarial Unit, not the unit represented by the Association. Accordingly, the Director dismisses the petition despite the fact that the secretarial unit has disclaimed interest in presently representing the secretary and the secretary has disclaimed interest in being part of that unit.

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Petitioner.

Appearances:

For the Public Employer
M. Richard Valenti, attorney

For the Petitioner
New Jersey Education Association
(Michael R. Mulkeen, Field Representative)

DECISION

On October 13, 1995, the Hardyston Township Education Association filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission seeking to represent the Secretary to the Child Study Team employed by the Hardyston Township Board of Education. The Association requests that the title be added to its unit of teachers, custodians and a clerk employed by the Board.

The Board opposes the petition, claiming that the only appropriate unit for the petitioned-for title is the unit of secretaries represented by the Hardyston Township Secretarial Unit. It further points out that the Association filed a March 21, 1995 representation petition, RO-95-195, seeking to represent the petitioned-for title and all professional employees in the child study team office. That petition resulted in the Board voluntarily recognizing said professional employees as part of the Association's unit, with the Secretary to the Child Study Team remaining unrepresented.

By November 2, 1995 letter, the Hardyston Township Secretarial Unit disclaimed interest in presently including the Secretary to the Child Study Team in its unit. Further, the current employee in that title, Rosemary Thiemann, objects to being included in that unit.

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N.J.S.A. 34:13A-5.3 requires that negotiations units be defined "with due regard for the community of interest among the employees concerned." In In re State of New Jersey and the Professional Assn. of N.J. Dept. of Education, 64 N.J. 231 (1974) the New Jersey Supreme Court held it is the duty of this agency to find the most appropriate unit for bargaining, not merely an appropriate unit. See Bd. of Ed. of the City of Camden and Camden City School Psychologists, E.D. No. 76-32, 2 NJPER 123 (1976) ("Camden Psychologists I").

In Camden Psychologists I, the Director dismissed a representation petition seeking a separate unit of school psychologists. Although the majority representative of the appropriate broad-based unit did not desire to represent the petitioned-for employees, the employees belonged in that broad-based unit.

Here, I find that the secretarial unit is the most appropriate unit for the Secretary to the Child Study Team. Her duties, functions and hours are the same as the secretaries in that unit. She is evaluated by the Superintendent, as are the other secretaries.

The Association admits that the secretarial unit may be the most appropriate unit for her. But it contends that the Education Association unit is also appropriate and argues that she should be placed in its unit since the Hardystown Township Secretarial Unit has no interest in representing her and she has no interest in being part of that unit. However, pursuant to Camden Psychologists I, the Association's position must be rejected. Since the secretarial unit is the most appropriate unit for the Secretary to the Child Study Team, I find that the Association's petition is inappropriate and hereby dismiss it.

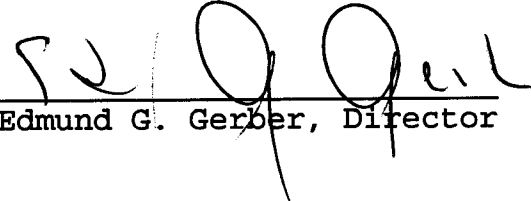
Since this petition is dismissed and the Hardyston Township Secretarial Unit presently disclaims interest in representing her, the Secretary to the Child Study Team remains unrepresented. She is presently not part of any negotiating unit and thus is not covered

D.R. NO. 96-8

4.

by a collective negotiations agreement.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: February 1, 1996
Trenton, New Jersey