

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

In the Matter of

HADDONFIELD BOARD OF EDUCATION,

Public Employer,

-and-

DOCKET NO. RO-80-81

HADDONFIELD EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs an election among aides, supportive staff and secretaries to ascertain whether these employees seek to be represented by the Association in a unit with professional teaching personnel. Since the nonprofessional personnel are currently represented in three units, the results of the election will be determined by the majority of votes cast by employees in each existing unit. A professional option election will be conducted among the teachers to determine whether the employees desire to be included in a unit with nonprofessional employees.

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Appearances:

For the Public Employer
Alan R. Schmoll, Esq.

For the Petitioner
Greenberg & Mellk
(Arnold M. Mellk, of Counsel)

DECISION AND DIRECTION OF ELECTION

On October 14, 1979, a Petition for Certification of Public Employee Representative, supported by adequate showings of interest, was timely filed with the Public Employment Relations Commission (the "Commission") by the Haddonfield Education Association (the "Association") seeking to add school aides, supportive staff (custodial and maintenance employees) and secretaries employed by the Haddonfield Board of Education (the "Board") to the existing unit of professional certificated

employees represented by the Association. ^{1/} The Association presently represents aides, supportive staff, and secretaries in three separate collective negotiations units, respectively.

The undersigned has caused an administrative investigation to be conducted into the matters concerning the Petition in order to determine the facts.

Based upon the investigation, the undersigned determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material disputed factual issues exist which may more appropriately be resolved at a hearing. Pursuant to N.J.A.C. 19:11-2.6(b), there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Haddonfield Board of Education 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 this Petition and is subject to the provisions of the Act.

3. The Haddonfield Education Association is an employee representative within the meaning of the Act and is subject to its provisions.

^{1/} The Association originally framed its Petition in terms of requesting a "unit consolidation." By letter dated December 27, 1979, the Association advised that the purpose of the Petition was to include non-professional employees in the unit of professional employees. Accordingly, the Association is not raising a question concerning the representation of professional employees.

4. The Association is seeking to add nonprofessional employees employed by the Board, specifically teacher aides, supportive staff (custodial and maintenance employees) and secretaries to the existing unit of professional employees. These employees are currently represented by the Association in separate collective negotiations units. The Board employs approximately 16 aides, 20 custodial/maintenance employees, 10 secretaries and 160 teachers.

5. The Association agrees to a secret ballot election among employees in the petitioned-for unit, including a professional option election, if necessary. See N.J.S.A. 34:13A-6(d).

6. The Board does not consent to a secret ballot election, contending that a unit consisting of professional and non-professional employees is inappropriate due to a lack of community of interest among the employees.

7. On January 21, 1980, the undersigned advised the parties of the results of the investigation and evaluated the positions of the parties. The undersigned stated an intent to direct the conduct of a secret ballot election based upon the following conclusions. The unit sought by the Petitioner is prima facie appropriate in light of the existing Commission policy concerning unit definition for employees of a school district. Prior Commission decisions have consistently held that a community of interest exists between these professional and nonprofessional

school employees. ^{2/} In general, employees in a school district have a common employer, work in the same buildings, and have similar goals and purposes, i.e., the education and the betterment of the students. When making unit determinations the Commission has sought to avoid fragmentation of negotiations units and has favored the formation of units along broad-based, functional lines rather than by title or by distinct occupational groupings. ^{3/}

The parties were provided an additional opportunity to present evidence as well as statements of position relating to the instant Petition, and were advised that in the absence of the presentation of evidence raising substantial and material disputed factual issues concerning this matter which would warrant the convening of an evidentiary hearing, the undersigned would direct an election.

^{2/} See In re West Milford Township Board of Education, P.E.R.C. No. 56 (1971), wherein the Commission found appropriate a petition seeking to add nonprofessional clerical employees and building aides to a unit of professional employees: teachers, nurses and instructional aides. See also In re Jefferson Township Board of Education, P.E.R.C. No. 61 (1971) with respect to the appropriateness of a unit of professional and nonprofessional employees. The Commission determined that the existing mixed professional and nonprofessional unit, which included cafeteria personnel, was not prima facie inappropriate. See also, more recently, In re Glassboro Board of Education, D.R. No. 79-28, 5 NJPER 155 (¶ 10086 1979); In re Spring Lake Heights Board of Education, D.R. No. 79-21, 5 NJPER 100 (¶ 10055 1979); and In re Wildwood Board of Education, D.R. No. 79-20, 5 NJPER 98 (¶ 10054 1979).

^{3/} In In re State of New Jersey v. Professional Association of New Jersey Department of Education, 64 N.J. 231 (1974), the Supreme Court endorsed the Commission's adoption of the concept of broad-based, functional negotiations units.

No further evidentiary proffer or statement has been provided to the undersigned. Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein. Therefore, the undersigned finds that the appropriate unit for collective negotiations is: all teachers, librarians, guidance counselors, nurses and members of the child study team, and aides, supportive staff (custodial/maintenance employees), and secretaries employed by the Haddonfield Board of Education, but excluding: superintendent, assistant superintendent, principals, assistant principals, administrative assistants, coordinators, department heads and confidential employees, substitute aides, aides employed in the Board's central office, and all other employees currently excluded from the existing collective negotiations units.

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.

Since the voting employees are currently represented in separate units, the results of the election shall be determined in accordance with the designations of the majority of voting employees in each separate unit. Accordingly, the majority of voting employees in each separate unit -- aides; supportive staff; secretaries --

shall independently indicate their choice of representation, vel non by the Association. Professional employees shall be accorded a professional option election, consistent with N.J.S.A. 34:13A-6(d).


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-.6, the Public Employer is directed to file with the undersigned and with the Association 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 Association 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 desire to be represented for the purpose of collective negotiations by the Haddonfield Education Association.

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 DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: February 4, 1980
Trenton, New Jersey