

D.R. NO. 2018-14

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

In the Matter of

PASSAIC VALLEY REGIONAL HIGH SCHOOL  
DISTRICT BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-2018-008

PASSAIC VALLEY EDUCATION ASSOCIATION,

Petitioner.

Appearances:

For the Public Employer,  
Reddin Masri, LLC, attorneys  
(Raymond Reddin, of counsel)

For the Petitioner,  
(Sasha A. Wolf, UniServ Field Rep.)

**DECISION**

On October 16 and November 16, 2017, the Passaic Valley Education Association (Association or Petitioner) filed a representation petition and amended petition for certification based on authorization cards<sup>1/</sup>, seeking to add guidance specialists to an existing unit of certificated employees of the Passaic Valley Regional High School District Board of Education (Board). The petition was accompanied by authorization cards

---

<sup>1/</sup> The October 16 petition describes the petitioned-for employees as "guidance counselors." The actual job title is "guidance specialist." The Association amended its petition to include "guidance specialists."

signed by a majority of the petitioned-for employees. The Board declines to sign a Stipulation of Appropriate Unit form.

We have conducted an administrative investigation to determine the facts. N.J.A.C. 19:11-2.2(a). The disposition of the petition is properly based upon our administrative investigation. No disputed, substantial material factual issues warrant our convening an evidentiary hearing. N.J.A.C. 19:11-2.2 and 2.6. Based upon the administrative investigation, I make the following:

#### **FINDINGS OF FACT**

The Association and Board are parties to a collective negotiations agreement, extending from July 1, 2015 through June 30, 2018 (Agreement). The Agreement defines the Association's collective negotiations unit as including all certificated personnel and excluding the superintendent, principals, assistant principals, director of guidance, department heads, guidance specialists and the school business administration/board secretary. On October 16, 2017, the Association filed a representation petition seeking to add approximately five "guidance counselors" to the Association's unit.

By letter dated October 17, 2017, the Acting Director of Representation requested the Board provide information needed to process the petition, including a Certification of Posting and a list of employees in the petitioned-for unit. On October 25,

2017, the Board provided a list of employees in the unit and a signed Certification of Posting attesting that notice of the petition was posted for ten days in a place where unit employees would normally congregate. The Board also advised the assigned staff agent that no other labor organization has claimed an interest in representing the petitioned-for unit. The Board's list of employees refers to the job title as "guidance specialist" instead of "guidance counselor."

We have carefully reviewed the Association's authorization cards and compared them to the list of employees provided by the Board. The Association has submitted cards, all dated within six months of the filing of the initial and amended petition, from a majority of the petitioned-for unit employees. The cards set forth clear language designating the Association as the exclusive majority representative of the petitioned-for employees for purposes of collective negotiations over terms and conditions of employment.

On October 27, 2017, the assigned staff agent sent a letter to the Board and Association enclosing a proposed Stipulation of Appropriate unit form for the parties' consideration and signature. The Association signed the Stipulation, but the Board declined to do so. By email dated October 30, 2017, the Board responded to the October 27 letter by writing that it did not object to the Stipulation, but would only agree to include the

"guidance specialist" title in the Association's unit "effective July 1, 2018." The Board indicated that it would not assent to the inclusion of guidance specialists in the Association's unit without the Association's acknowledgment that terms and conditions of employment for guidance specialists would remain the same until the parties current Agreement expired on June 30, 2018. The Association rejected the Board's proposal.

#### ANALYSIS

On July 19, 2005, the Legislature amended the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3 to authorize the Commission to certify a majority representative where: (a) a majority of employees in an appropriate unit have signed authorization cards designating that organization as their negotiations representative; and (b) no other employee representative seeks to represent those employees. See N.J.A.C. 19:11-2.6(b). The Director of Representation "shall determine whether a majority of employees in the unit have signed valid authorization cards" in support of certification. N.J.A.C. 19:11-2.6(b). A union may petition to add employees to its existing unit and we will grant such a request when a majority of the employees to be added choose the union as their majority representative. Jackson Tp. Fire Dist., D.R. No. 2012-11, 39 NJPER 44 (¶16 2012).

The Legislature has determined that a check of an organization's authorization cards signed by a majority of employees in an appropriate unit is a lawful method to determine a majority representative. Our review of the Association's authorization cards against the employer's list of employees shows that it has submitted cards from a majority of the petitioned-for employees. The cards set forth clear language designating the Association as their exclusive majority representative for purposes of collective negotiations. The employees' signatures on the cards meets the intent of the statute and our rules.

Accordingly, I find that a sufficient number of valid authorization cards have been submitted to warrant certification of the Association as a majority representative. The Board has not raised any objection to the appropriateness of including guidance specialists in the Association's unit and a unit of certificated personnel that includes guidance specialists is *prima facie* appropriate. Piscataway Tp. Bd. of Ed., P.E.R.C. No. 84-124, 10 NJPER 272 (¶15134 1984); Washington Tp. Board of Ed., D.R. No. 2016-8, 43 NJPER 13, 14 (¶4 2016).

I find that the following unit is appropriate for collective negotiations:

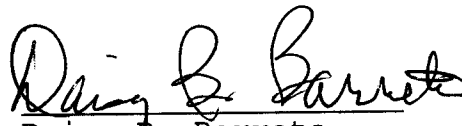
**Included:** All regularly employed, non-supervisory guidance specialists, to be added to an existing unit of non-supervisory, certificated employees of the Passaic Valley

Regional High School District Board of Education.

**Excluded:** Managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, police, casual employees, non-certificated employees and all other employees of the Passaic Valley Regional High School District Board of Education.

ORDER

I certify the Passaic Valley Education Association as the exclusive representative of the unit described above, based upon its authorization cards.<sup>2/</sup>



Daisy B. Barreto  
Acting Director of  
Representation

DATED: November 27, 2017  
Trenton, New Jersey

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by December 11, 2017.

---

<sup>2/</sup> A certification of representative is attached.

**STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

---

<b>In the Matter of</b>	>	
	>	
PASSAIC VALLEY REGIONAL HIGH SCHOOL	>	
DISTRICT BOARD OF EDUCATION,	>	
	>	
Public Employer,	>	
	>	
-and-	>	DOCKET NO. RO-2018-008
	>	
PASSAIC VALLEY EDUCATION ASSOCIATION,	>	
Petitioner.	>	
	>	

---

**CERTIFICATION OF REPRESENTATIVE  
BASED UPON AUTHORIZATION CARDS**

In accordance with the New Jersey Employer-Employee Relations Act, as amended, and the Rules of the Public Employment Relations Commission, we have conducted an investigation into the Petition for Certification filed by the above-named Petitioner. The Petitioner has demonstrated by card check that a majority of the unit employees described below have designated the Petitioner as their exclusive representative for purposes of collective negotiations, and, no other employee organization has expressed a valid interest in representing these employees.

Accordingly, **IT IS HEREBY CERTIFIED** that

**PASSAIC VALLEY EDUCATION ASSOCIATION**

is now the exclusive representative of all the employees included below for the purposes of collective negotiations with respect to terms and conditions of employment. The representative is responsible for representing the interests of all unit employees without discrimination and without regard to employee organization membership. The representative and the above-named Employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment as required by the Act.

**UNIT: Included:** All regularly employed, non-supervisory guidance specialists, to be added to an existing unit of non-supervisory certificated employees of the Passaic Valley Regional High School District Board of Education.

**Excluded:** Managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, police, casual employees, non-certificated employees and all other employees of the Passaic Valley Regional High School District Board of Education.

**DATED:** November 27, 2017  
Trenton, New Jersey

/s/ Daisy B. Barreto  
\_\_\_\_\_  
Acting Director of Representation

**Attachment:**

**Certification of Representative dated:** November 27, 2017

**In the Matter of**

PASSAIC VALLEY REGIONAL HIGH SCHOOL DISTRICT BOARD OF EDUCATION

-and-

PASSAIC VALLEY EDUCATION ASSOCIATION

Docket No. RO-2018-008

**Service on the following:**

Raymond Reddin, Esq.  
Reddin Masri LLC  
485 Totowa Rd  
Totowa, NJ 07512

Sasha A. Wolf  
UniServ Field Rep.  
NJEA UniServ Office 27  
Preakness Valley Office Park  
504 Valley Rd Ste 150  
Wayne, NJ 07470