

P.E.R.C. NO. 84-121

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY TECHNICAL AND VOCATIONAL
HIGH SCHOOL BOARD OF EDUCATION,

Public Employer,

-and-

PASSAIC COUNTY TECHNICAL AND VOCATIONAL
HIGH SCHOOL SHOP TEACHERS ASSOCIATION,

Docket No. RO-84-37

Petitioner,

-and-

PASSAIC COUNTY TECHNICAL AND VOCATIONAL
EDUCATION ASSOCIATION, INC.,

Intervenor.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated by the full Commission, denies a Motion for Summary Judgment filed by the Passaic County Technical and Vocational Education Association, Inc. The Chairman concluded that a dispute exists over material facts and remands the matter to the Administrator of Representation Proceedings for further proceedings.

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EDUCATION ASSOCIATION, INC.,

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Appearances:

For the Public Employer, Edward G. O'Byrne, Esq.

For the Petitioner, Hoffman & Fiorello, Esqs.
(John Fiorello, of Counsel)

For the Intervenor, Klausner & Hunter, Esqs.
(Stephen B. Hunter, of Counsel)

DECISION ON MOTION FOR SUMMARY JUDGMENT

On October 13, 1983, the Passaic County Technical and Vocational High School Shop Teachers Association ("Shop Teachers Association") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission. This petition seeks to sever "all shop teachers including non-academic teachers of technical and vocational high school subjects" from a unit consisting of both non-academic and academic teachers which the Passaic County Technical and Vocational Education Association, Inc. ("Education Association") represents.

The Education Association has intervened in these proceedings. The Passaic County Technical and Vocational High School Board of Education has taken no position with respect to the petition.

On March 12, 1984, the Education Association filed a Motion for Summary Judgment with a supporting brief and affidavits. Relying on In re Jefferson Twp. Bd. of Ed., P.E.R.C. No. 61 (1971), it asserts that the facts alleged in the petition do not establish that the existing relationship is unstable or that the Education Association failed to provide responsible representation to shop teachers.

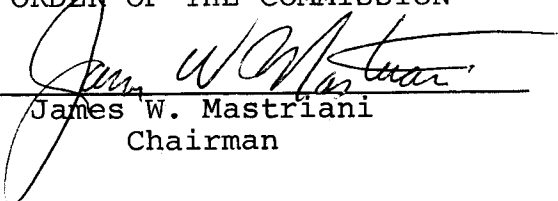
On April 2, 1984, the Shop Teachers Association filed a memorandum opposing the motion and affidavits. It contends that the Education Association breached its duty to represent all of its members without discrimination and that the existing relationship is unstable. Its affidavits point to occurrences during recently concluded negotiations to support this conclusion.

Pursuant to N.J.S.A. 34:13A-6(f), the full Commission has delegated authority to me to decide this motion. Given that there is a dispute over material facts, I must deny the motion.

ORDER

The Motion for Summary Judgment is denied. The matter is remanded to the Administrator of Representation Proceedings for further proceedings consistent with this opinion.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

DATED: Trenton, New Jersey
April 17, 1984