

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

IN THE MATTER OF
THE STATE COLLEGES
OF NEW JERSEY

DECISION AND DIRECTION OF ELECTIONS

On the basis of requests from the employee organizations, listed in the Hearing Officer's Report and Recommendations seeking designation as majority representative for employees of some or all of the State Colleges enumerated in the aforementioned Hearing Officer's Report, the Commission directed that a hearing be held before a duly designated ad hoc Hearing Officer.

After due notice hearings were held on January 11 and 24, 1969 before ad hoc Hearing Officer Benjamin H. Wolf, at which time all parties to this proceeding were given an opportunity to be heard and to present their positions as to the issues involved. Hearing Officer Wolf issued his Report and Recommendations on February 19, 1969. Thereafter Exceptions to the Hearing Officer's Report and Recommendations were filed by various parties to the proceeding.

The Commission has considered the entire record, the Hearing Officer's Report and Recommendations, and the exceptions, and makes the following findings:

1. The six State Colleges involved in this proceeding are public employers within the meaning of Section 3(c) of the Act and are subject to the provisions of the Act.

2. The employee organizations involved in this proceeding are employee representatives within the meaning of Section 3(e) of the Act.

3. The employee representative organizations claim to be the majority representative of employees involved in this proceeding. Accordingly, a question concerning the representation of public employees exists and the matter is appropriately before the Commission for determination.

4. The Hearing Officer's Report (a copy of which is attached and made a part hereof) is affirmed except as modified herein.

5. The appropriate unit. The Association of New Jersey State College Faculties, hereinafter referred to as the Association, and the American Association of University Professors, hereinafter referred to as the AAUP, contend that the collective negotiation unit should embrace all State Colleges; the New Jersey Board of Higher Education and the New Jersey State Federation of College Teachers, hereinafter referred to as the Federation, contend that a separate unit for each of the enumerated State Colleges is appropriate.

The Commission finds that the State Colleges are geographically separated with the closest colleges being approximately 6 miles apart and the greatest distance between any of the colleges being in excess of 100 miles. Although the Board of Higher Education establishes policies regarding curriculum and salaries

which affect the colleges, "The government, control, conduct, management and administration of each college" is vested in the respective boards of trustees of each college pursuant to 18A:64-2, New Jersey Statutes. The individual colleges are charged also with the determination of curriculum, programs, organization, administration, appointments of staff and determinations regarding compensation and tenure of staff under guidelines established by the Board of Higher Education pursuant to the aforementioned Statute.

The fact that guidelines are established for all colleges by the Board of Higher Education and that the colleges are joined in a Council to advise the Board of Higher Education and coordinate activities does not materially detract from the local autonomy of each college. The establishment of guidelines or the existence of a coordinating body does not contradict the existence of local government through the individual college's board of trustees and their appointed administrators.

Inasmuch as each college has a measure of local autonomy; the employees look to the individual college for their day-to-day supervision; each college affects the tenure of its staff and each governs their working conditions, the Commission finds that the employees at each State College have a community of interest within the respective State Colleges and therefore the appropriate unit is each of the six State Colleges identified in the Hearing Officer's Report.

6. Scope of the unit.

The parties do not agree as to the composition of the unit herein found to be appropriate.

Based upon all of the evidence, the Commission finds that all those engaged in directly teaching students, those engaged in research and those engaged in providing direct service of a professional nature related to the teaching process have a community of interest and should be combined in one professional unit. Accordingly, the appropriate unit, as described by the Hearing Officer and adopted by the Commission is:

"All full-time professional employees, including teaching, research, administrative and academic support personnel at each state college, but excluding all managerial executives, supervisors having the power to hire, discharge, discipline or to effectively recommend the same (other than peer judgment), part-time and all other personnel."

7. Supervisory personnel.

The parties were unable to agree upon which individuals are supervisors within the meaning of the Act.

The Commission concludes that there is insufficient evidence on the record to determine the status of supervisory personnel at this time. Accordingly, the Commission suggests that the parties endeavor to reach agreement prior to the election regarding the status of all alleged supervisory personnel. The parties may challenge the vote of any individual whom they in good faith contend are supervisors. If such challenged ballots are sufficient in number to affect the results of the election the Commission shall consider the resolution of such challenged ballots at such time and take appropriate action to resolve the challenged ballots.

8. Other issues.

The Commission has considered other issues regarding the scope of negotiations, the duration of a certification, the problems of pre-election campaigning and the mechanics of the election and finds:

(a) The method utilized by an exclusive representative of the employees in negotiating an agreement is not appropriately considered in this proceeding. The Commission's decision in this case is confined to finding the appropriate negotiating unit not determining the method of conducting negotiations nor the scope of such negotiations. However, nothing in this Decision shall be construed as precluding joint negotiations by some or all of the exclusive employee representatives with the New Jersey Board of Higher Education or with other appropriate authorities.

(b) The Commission does not believe it necessary in this proceeding to establish the duration of a certification or the period during which the majority representative will be free of challenge. Issues regarding the duration of certifications, the frequency of elections, the effect of contracts, and related matters affecting the appropriate time to file for representation rights shall be the subject of subsequent decisions and/or shall be included in the Commission's Rules, Regulations and Statement of Procedure which shall be issued.

(c) The nature of the pre-election campaign is similarly left for future decisions or rules of the Commission. The parties may, however, agree upon procedures and proscriptions involving the pre-election campaign.

(d) The mechanics of the election may be agreed upon by the parties. If the parties are unable to agree the Election Officer shall resolve all matters relating to the mechanics of the election.

In accordance with the Commission's findings set forth above, the Commission directs that elections by secret ballot shall be conducted among the employees in the unit set forth in Section 6 above. The elections are to be conducted as soon as possible but not later than May 20, 1969.

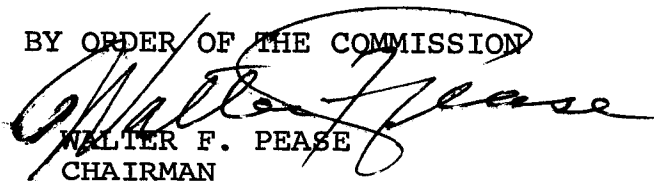
Eligible to vote are all employees listed in Section 6 who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, or on vacation, or temporarily laid off, including those in the military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Those eligible to vote shall vote whether they desire to be represented for the purposes of collective negotiations

by ANJSCF--Glassboro State College Faculty Association (the appropriate college association should appear after the hyphen); or by Glassboro State College Chapter, AAUP (the appropriate college chapter should appear before the abbreviation AAUP); or by Glassboro State Federation of College Teachers, Local Number ____, AFT (the appropriate college designation and local number should appear before the name of the parent organization); or by none of the participating employee organizations.

The majority representative, if any, shall be determined by a majority of the valid ballots cast in each election. If none of the choices in the election receives a majority, there shall be one run-off election between the two choices receiving the largest number of votes in that election.

BY ORDER OF THE COMMISSION

A handwritten signature in cursive script, appearing to read "Walter F. Pease", is written over the typed name and title.

WALTER F. PEASE
CHAIRMAN

Dated: April 9, 1969
Trenton, New Jersey

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Representation : REPORT and RECOMMENDATIONS
Proceedings Concerning the : of
STATE COLLEGES OF NEW JERSEY : HEARING OFFICER

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These proceedings, pursuant to the New Jersey Employer-Employee Relations Act, hereinafter referred to as EERA, concern the claims of various organizations to represent the faculties of the six state colleges of New Jersey. The colleges are:

- Glassboro State College
- Montclair State College
- Newark State College
- Jersey City State College
- Paterson State College
- Trenton State College

The organizations which expressed an interest or made a claim to represent the faculties are grouped below according to their affiliation with their state-wide organization:

New Jersey State Federation of
College Teachers (Federation Group)

Paterson State Federation
of College Teachers

Jersey City State Federation
of College Teachers

Montclair State Federation
of College Teachers

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Association of New Jersey State
College Faculties (Association Group)

Glassboro State College Faculty
Association

Montclair State College Faculty
Association

Jersey City State College Faculty
Association

Paterson State College Faculty
Association

Trenton State College Faculty
Association

Newark State College Faculty
Association

American Association of University
Professors - New Jersey State College
Conference (AAUP)

A representative of the Faculty Senate of Paterson State College was present but stated that the Faculty Senates at the various colleges did not seek certification as negotiating representatives.

The New Jersey Education Association was represented but does not seek certification since the Association group is affiliated with it.

The proceedings were begun in response to telegrams and letters from many organizations. The details of these petitions and of the events which preceded the holding of the public hearings would not add any information of value. I shall omit them except to state that due notice was given to all concerned and all were present at the hearings.

My authority to conduct the proceedings was set forth in a letter from Walter F. Pease, Chairman of the New Jersey Public Employment Relations Commission, hereinafter referred to as PERC, the text of which follows:

The New Jersey Public Employment Relations Commission is faced with a problem of determining what organizations are to be authorized to represent the staff at the six State Colleges of the State of New Jersey. In as much as the Commission has not as yet formally adopted rules and regulations we wish you to conduct a public hearing for the purpose of hearing the parties concerned on the various issues involved and to make a recommendation to the Commission for the disposition of the problem. We would expect that your recommendation would pertain to the composition of the bargaining unit or units and the procedure to be followed in the event a representation election should be held and to report on such other matters which may be pertinent to the problem.

Pursuant to the New Jersey Public Employment Relations Law you are hereby cloaked with all of the powers conferred by the law upon the Commission in connection with the discharge of the duty or duties delegated.

Hearings were held on January 11 and 24, 1969, in Trenton at which all parties had an opportunity to introduce facts and to present their points of view. The following were present and were the principal spokesmen for their organizations:

William S. Greenberg - for the Chancellor
and the Board of
Higher Education

Dr. James Mullen - President of Jersey
City State College

Dr. Donald Cicero and William Hayward -
for the Association of New Jersey
College Faculties

Dr. Hyman J. Zimmerberg and Matthew W. Finkin -
for the American Association of University
Professors

William Shadel and Joseph Cascella -
for the New Jersey State Federation
of Teachers

Miss Norma Yush - for the Faculty Senates

Many others were present but by agreement they deferred to the principal spokesmen for their groups and only participated when some matter pertaining to their own college was raised.

My assignment consists of two parts, a recommendation as to what constitute the appropriate negotiating unit or units and a recommendation as to the procedure to be used to determine who are to be certified as the representatives of each unit for collective negotiating.

Since PERC has not yet promulgated its rules and regulations for representation proceedings, I have relied on the regulations generally used by the National Labor Relations Board and the state labor relations boards.

I. The Appropriate Negotiating Unit

A. The existence of a dispute.

Section 5.3 of EERA provides:

The negotiating unit shall be defined with due regard for the community of interest among the employees concerned, but the commission shall not intervene in matters except in the event of a dispute.

Thus, by law, PERC may not intervene except in the event of a dispute. Generally, a dispute in a representation proceeding does not exist unless the parties seeking certification as the negotiating representative show proof of interest sufficient to warrant the holding of an election. Sufficiency is a matter to be determined solely by the labor relations board or commission conducting the proceeding. Generally, such boards require the petitioners to show authorizations signed by a substantial percentage of those in the proposed unit. I make no recommendation as to what that percentage should be in these proceedings. Offers were made to submit authorization cards, but it became unnecessary

because we were fortunate to achieve agreement among the participants that all the organizations, except the Senate which did not seek it, have sufficient interest to warrant being placed on the ballot. I made no further effort to ascertain the amount of such interest, because the concessions by rival organizations is in itself a measure of sufficiency.

I recommend, therefore, that PERC declare that a dispute exists herein concerning representation and that the Federation, the Association and the AAUP groups have shown sufficient interest to be included as parties.

B. The community of interest.

I turn now to a consideration of the factors involved in determining the negotiating unit. EERA gives no guidance except to say that it shall be defined with due regard for the community of interest among the employees involved.

Community of interest is not a concept capable of absolute definition. It requires a judgment as to what is appropriate after balancing those interests that are held in common against those that are different or, perhaps, conflicting. Among the factors that should be considered are the structure of the employment relationship, the physical grouping of those involved, their wishes as demonstrated by how they organized themselves and the state of their collective negotiating development. The parties are in dispute over the relative importance of these factors and are, therefore, divided over whether there should be a single unit or separate units for each college, and over what classifications of employees should be included.

C. Single unit vs. separate units.

The Association and the AAUP favor a single unit to embrace all six colleges. The Chancellor and the Federation urge separate units for each.

There are several factors which favor separate units. Each college is physically distant from the others and is structurally a separate entity. They are located in the south of the state and the north, the east and the west. The intent and design of the law establishing them has been to make each as autonomous as possible. The Education Law provides, "that it is in the best interest of the state that the state colleges ... be given a high degree of self-government ... " (Title 18A:64-1)...

The government, control, conduct, management and administration of each of the colleges are vested in its own board of trustees (18A:64-2). Each board has the power and duty, with the general policies and guidelines set by the Board of Higher Education, to "determine policies for the organization, administration and development of the college", to appoint members of the teaching staff, "fix their compensation and terms of employment in accordance with salary policies adopted by the board of higher education", and to enter into contracts and agreements "for carrying out the purposes of the college" (18A:64-6).

Moreover, the way in which the faculties organized themselves indicates that they wish separate college units. The faculties have formed and joined separate organizations at each college, even though each is a chapter or branch of a state-wide organization.

On the other hand, there are some factors that point to a single unit. All of the colleges operate under the same general salary policies and guidelines set by the Board of Higher Education. To coordinate their activities, the law establishes a Council of State Colleges consisting of the presidents and chairmen of the boards of trustees of each college. The Chancellor is ex officio a member but has no vote (18A:64-23).

The purpose of the Council, however, does not detract from the autonomy of each college. Its purpose is to foster communications and cooperation in order to guide and stimulate effective planning and program development, and to insure acceptable and effective lines of development in admissions policy, academic standards, programs, financing and community relations, but it also has the purpose of insuring diversity of development among the several colleges in ways which will be responsive to particular needs in the several parts of the state (18A:64-25).

The Association argued that since the big money issues, the salary guides, fringe benefits and general personnel policies, are established by the Legislature and the Board of Higher Education on a state-wide basis, this should be controlling in determining the range of the units. Heretofore, in those very crucial areas, there has, indeed, been uniformity, with only one salary guide and one set of fringe benefits for all. The Association argued that it followed that there should be only one negotiating representative on the state-wide level if the teachers are to deal effectively with the state on these important matters. It proposed that if one unit were established for that purpose, it could be divided into local groups to deal with the individual colleges on local matters.

It is my opinion that although there are strong arguments in favor of an overall unit, the argument in favor of separate units is more compelling. We are here concerned with a new development at the colleges. At this stage, care is needed lest the gropings of the faculty to find the most responsive expression of their needs not be crystallized and hardened and frustrate change if that becomes necessary. Once a large unit is established it is difficult to change into smaller units. On the other hand, smaller units may, if it is desired, easily develop into larger units. The smaller units, therefore, would better serve the present interests of the teachers. If an election to determine their choice of organization indicates identical choices at all colleges, a single unit would be the practical result.

The Federation pointed out that the argument that the big money issues are settled on a state-wide basis, although historically true, need not necessarily be so in the future. It argued that different salary guides and fringe benefits may become necessary to regulate the flow of teachers from one part of the state to another. Such diversity might be more responsive to the "particular needs in the several parts of the state", as the Education Law intends (18A:64-25), than uniformity. Uniformity of salary guide and other monetary matters need not, therefore, be the overriding consideration when so many factors point in another direction.

More often than not, it is the employer who deplores the prospect of competition among its employees' representatives and the possibility of variations in its salary structure and working conditions. Here, however, the Chancellor and the Board of Higher Education welcome it. It seems, moreover, to be in accord with the legislative intention of providing a high degree of self-government.

The Association and the AAUP argument that a state-wide unit could be established to deal with the state on state-wide issues and a local college unit to deal with each local college on the local issues has a plausibility that makes it attractive, but it assumes the question which has yet to be proved, that what have been state-wide issues must necessarily continue to be so. Dr. James Mullen, testifying as President of his college, stated that the presidents of the state colleges have been working diligently to provide a means for increasing the amount of local autonomy, both fiscal and administrative. He felt a state-wide unit would be inconsistent with the aspiration for autonomy and he saw no necessity that six separate units would conflict with the negotiation of economic issues on a state-wide basis.

My recommendation is that there be separate units for each college.

D. The Composition of the units.

1. Full-time and part-time teachers.

All parties are agreed that full-time teaching faculty should be included in the unit, and that no distinction need be made between those with tenure and those without. There is also agreement that the term "teaching" includes research and student teaching as well as classroom work.

An important question is whether part-time teachers should be included in the same unit with the full-time teachers or should have their own unit.

Part-time teachers work mainly in the evening program. They are paid on a different basis from full-time teachers because the financing of the evening programs is different. Many of them are also full-time teachers, for whom the evening work is truly "moonlighting". Others, however, are adjunct appointees and have no other connection with the state colleges.

The testimony does not make clear whether part-time teachers are subject to tenure rights but it is not important because the policy has been to phase out the part-time teachers and assign their duties to the full-time staff. Frequently, adjunct teachers are hired at the last minute when enrollment in a class overflows. Dr. Mullen testified that there is no community of interest in the real sense between the adjunct part-time and the full-time faculty.

Among the organizations, only the Association group urges the inclusion of part-time teachers in line with its general attitude that the unit should be the widest, most inclusive possible. However, it did not elaborate on the specific reasons for including the part-time teachers.

In my opinion, the part-time teachers should be excluded. Those who are also full-time teachers, will have their interests represented in the full-time unit. The others have a less vital interest in representation. Their earnings as part-time teachers are usually not the principal source of their livelihood and those who are adjunct appointees have only a temporary interest. It would be unfair to the full-time teachers if part-time or temporary employees have an equal voice in choosing a representative.

I wish to make it clear that part-time and adjunct employees are entitled to representation. EERA makes no distinction between part-time and full-time employees. I think, however, that they should not be included in the same unit with the full-time faculty. It might be appropriate that a separate unit be established for the part-time faculty, but it is not clear that they are seeking a representative and until there is evidence of such a desire, my recommendation is that further consideration of this problem be suspended until some organization petitions to represent them. Upon a showing of designation cards signed by 30% of the unit, an election could be held without the need of any further hearings.

2. Administrative personnel.

There are employees who do not teach, but whose function is very closely allied to teaching. Among them are the registrars, assistant registrars, the scheduling officer, the director of student teacher placement and others who work as professionals in furtherance of the academic function.

The Federation group would exclude administrative personnel, but the others would include them. My recommendation is to include them as long as they are not disqualified for other reasons. They are professionals subject to similar salary and working conditions. Their interests, while somewhat different, are not antagonistic towards the teaching faculty.

A practical difficulty may arise when it becomes necessary to determine who are embraced within this category. I am told that the titles assigned them are not necessarily descriptive of their function and that functions vary from college to college. However, they can be identified later when it becomes necessary to draw up a list of eligible voters. For the present it is sufficient to define administrative employees as those who perform professional work, other than teaching, in the management of the academic function and who are not excluded as managerial executives.

3. Managerial executives.

The EERA provides that the right to representation shall not extend to any "managerial executive" who is defined as the superintendent of schools or his equivalent. Clearly, administrative employees who are the executive heads of colleges have interests quite different from that of the general faculty

and should properly be excluded from the negotiating unit. In this category are those with whom the faculty representatives will be negotiating. They are similar to the management team in the private sector and would be excluded even if the EERA did not expressly require it.

Thus, the administrative staff should be divided into two categories depending upon whether they are "managerial executives" or merely administrators, and the former should be excluded. Among them are president, vice-president, deans and assistant deans.

4. Satellite employees.

Satellite employees are those professional employees who furnish support for the educational process. Included among them are the medical, nursing, psychological and guidance employees. Many of them also perform teaching duties and would properly be in the unit on that account. Some, however, do not, but their close professional connection with the teaching faculty indicates a community of interest that warrants their inclusion in the same unit.

5. Supervising staff.

EERA provides that supervisors having the power to hire, discharge, discipline, or to effectively recommend the same shall not have the right to be represented in collective negotiations by an employee organization that admits non-supervisory personnel to membership. The problem of determining and excluding supervisors is, thus, required by statute and cannot be ignored. The power to effectively recommend the hire, discharge or discipline is not confined to the upper strata of the college administration. Under the committee system now prevalent in the colleges, members of the faculty may be called upon to effectively participate in recommending the hiring, discharging and promotion of their colleagues. Thus, it can be said that all members of the faculty are supervisors and that a negotiating unit in the colleges would be a unit of supervisors. Such is the position taken by the Chancellor who urges that only "managerial executives" be excluded.

However, there is an obvious distinction between the recommendation made by one's peers and that made by managerial supervisors. The Federation group does not regard peer judgment as a managerial or supervisory judgment. It would draw the line

at the person to whom the peer judgment is reported. That person is in their view the "boss" since he must act on the recommendation and he should, therefore, be excluded from any unit of subordinates.

The AAUP is also opposed to the inclusion of supervisory personnel. The Association group, however, does urge their inclusion excepting only the college presidents and vice-presidents or their equivalents.

My recommendation is that they be excluded. I recognize that there are important differences between supervision in the private sector and in the public sector, and especially in the field of higher education. Self governance and peer judgment undoubtedly diffuse the impact that supervisors have upon members of the negotiating unit. Academic freedom and professionalism also play a part in making the faculty less sensitive to the conflicting interest of their supervisors. Nevertheless, a conflict of interest does exist. The teacher is responsible to his supervisor who is, in turn, accountable for his subordinates. These duties and obligations often give rise to grievances in which the negotiating representative may be called upon to participate. Obviously, it cannot be on both sides of such a conflict. It is this conflicting interest which requires that supervisors be excluded from the unit.

6. General considerations.

The Association group favors the widest, most inclusive unit including the part-time, the administrative and the satellite professional staff, librarians, student personnel, demonstration teachers and department chairmen. The Federation urged separate college units with a wide composition, excluding only the part-time faculty and supervisors.

The AAUP urged a unit of narrow compass. It would exclude non-academic staff because its function is not to teach, do research or determine the curriculum. It would exclude the administrative staff because it is not subject to the safeguards of academic freedom and would exclude the educational support professionals because they are not free of supervision in the performance of their professional function. It urges a unit of teaching and research faculty, to which it would add only the librarian.

It is my opinion that the appropriate unit should not be so narrow as to include only the teaching staff. The administrative staff and the educational support staff have

parallel interests which do not conflict with and are not adverse to the interests of the teaching faculty. If the unit is determined only by the narrowest of congruent interests, the result may be so many separate units that organization would become a practical impossibility for some groups. It would be better to lump all professional groups at each college excluding those whose interests are fundamentally conflicting.

7. Recommendation.

I recommend that the appropriate negotiating unit be:

All full-time, professional employees, including teaching, research, administrative and academic support personnel at each state college, but excluding all managerial executives, supervisors having the power to hire, discharge, discipline or to effectively recommend the same (other than peer judgment), part-time and all other personnel.

The negotiating unit proposed does not contain any identifying titles. The purpose has been to identify by function as elaborated in the opinion. All parties acknowledge that the functions performed by the same title vary from college to college. The use of titles would, therefore, have been confusing rather than helpful.

II. The Procedure for Determining The Negotiating Representatives

PERC's objective is to safeguard the employees' right to form, join and assist the organization of its choice or to refrain from such activity. Toward this end, every precaution should be taken to assure that the choice can be made in secrecy. It is my recommendation that PERC direct that an election take place at each college by secret ballot. The alternate system of checking designation cards is inappropriate because members of the negotiating unit have in some instances signed cards of more than one organization. An election eliminates the possibility of dual or multiple choices.

The conduct of the election is the sole responsibility of PERC, but consultation with the organizations is necessary for guidance. This is especially true in these proceedings. It was not possible in the hearings conducted to date to ascertain all the details needed for the election. I recommend, therefore, that after PERC has established the appropriate units, a conference be held to discuss the details of the election.

Some matters were discussed at the hearing and as to them I make the following recommendations:

1. Eligibility. The eligible voters should be those employees included within the appropriate unit who were on the payroll during the payroll period including the date of PERC's order of election, and who are so employed on the date of the election.

2. Date of Election. The parties do not agree on the date. The Association group want it held rather soon, but the others have asked for at least six weeks after the election is ordered. My recommendation is that it be finally established after further consultation with the parties. Although we discussed the time of day and the number of days needed to hold the election, the final choice must depend upon the circumstances developed at our conference.

3. Campaigning. It is impossible to be specific and detailed as to the manner in which campaigning should be properly conducted. In discussing it with the organizations I obtained agreement to the following as a broad statement of objectives:

The organizations would be expected to adhere not only to the usual rules and regulations that apply to elections but to a higher standard of conduct because the election involves not only the faculty but the students, their parents and the whole community. In general, campaigning shall be kept out of the classroom and shall not be permitted to interfere with the normal operations of the college. All shall be expected to conduct themselves with decorum and dignity and to be mindful of the fact that they must continue to live together after the election.

4. Staffing. I propose that the election department of the American Arbitration Association be used to staff and conduct the election. This organization has already successfully conducted other elections for PERC and enjoys an impeccable reputation for integrity and efficiency.

5. Rules for the Election. An appropriate notice of election and sample ballot will be posted and distributed among the eligible voters. A list of eligible voters will be compiled and made available to all organizations as soon as possible after the election is ordered. Each organization as well as the employer will be entitled to have one observer at each polling place for the purpose of witnessing the election and certifying the count. They may challenge voters if they desire. The organizations will be expected to designate their observers in advance.

Ballots must be marked in the prescribed manner. Any ballot marked differently from that officially prescribed shall be deemed void.

The count shall be conducted immediately after the election and in the presence of the observers. The choice which shall receive more than a majority of the valid ballots cast shall be certified as the winner.

6. Absentee Ballots. Those who expect to be absent for valid reasons on the date of the election may request an absentee ballot. To be entitled to an absentee ballot, a voter must request same no later than two weeks before the election and must return it to the A.A.A. in a special envelope to be used for that purpose, postmarked no later than one week prior to the election.

7. Certification. The winning organization should be given sufficient time to negotiate an agreement with the college. At the same time the voters should be given an opportunity, after a decent period of time, if they so wish, to change their representative. For these reasons, the life of the certification is important. I recommend that a change of representative to be permitted every year upon the submission of a petition, signed by 30% of the unit, requesting it.

8. Run-Off Election. In the event that no choice receives a majority of the valid ballots cast, a run-off election should be held between the highest choices whose combined total exceeds 50% of the vote cast.

9. Names Appearing on the Ballot. The Association group asked that its name appear on the ballot as "ANJSCF - MONTCLAIR STATE COLLEGE FACULTY ASSOCIATION". At each college the appropriate college association should appear after the hyphen.

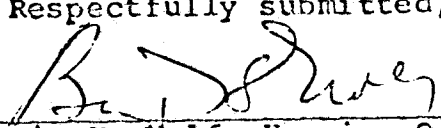
The AAUP asked that its name appear as "GLASSBORO STATE COLLEGE CHAPTER, AAUP", changed at each college to indicate which college chapter it was.

The Federation group asked that its name appear as "MONTCLAIR STATE FEDERATION OF TEACHERS, LOCAL NUMBER _____, AFT", changed at each college appropriately.

I recommend that the names appear on the ballot as each wishes.

Dated, February 19, 1969

Respectfully submitted,


Benjamin H. Wolf, Hearing Officer