

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ENGLEWOOD BOARD OF EDUCATION,

Public Employer,

-and-

ENGLEWOOD TEACHERS ASSOCIATION,  
NEW JERSEY EDUCATION ASSOCIATION,

Docket No. RO-81-92

Petitioner,

-and-

LOCAL 29, RWDSU, AFL-CIO,

Intervenor.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, declines to stay a representation election among custodial and maintenance employees of the Englewood Board of Education and dismisses a Request for Review which Local 29, RWDSU, AFL-CIO had filed. Local 29 had requested review of the Director of Representation's order that a rerun election be held within 30 days of his decision setting aside the original election; the Chairman finds that the Director acted within his discretion in scheduling the new election and that any question concerning the existence of laboratory conditions for the rerun election can be litigated, if necessary, through post-election objections.

P.E.R.C. NO. 82-93

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Appearances:

For the Public Employer, John Miraglia, Consultant

For the Petitioner, Schneider, Cohen, Solomon &  
DiMarzio (Bruce D. Leder, of Counsel)

For the Intervenor, Osterweil, Wind & Loccke  
(Manuel A. Correia, of Counsel)

DECISION ON REQUEST FOR REVIEW

A secret ballot election was conducted among custodial and maintenance employees of the Englewood Board of Education (the "Board") on February 19, 1982 pursuant to a Decision and Direction of Election, D.R. No. 81-22, 7 NJPER 81 (¶12029 1981). The eligible employees were provided an opportunity to designate the Englewood Teachers Association, New Jersey Education Association (the "Association") or Local 29, RWDSU, AFL-CIO ("Local 29"), as their exclusive representative for the purpose of collective negotiations or neither. The Association received a majority of the valid ballots cast.

On February 25, 1982, Local 29 filed post-election objections alleging that the Association engaged in improper conduct and urging that the election be set aside. The Director of Representation, pursuant to N.J.A.C. 19:11-9.2(i), investigated the objections and determined that improper conduct had occurred. On March 26, 1982, he set the election aside and directed that a new election be held within thirty (30) days. See D.R. No. 82-47,     NJPER     (¶          1982). The election was subsequently scheduled for April 19, 1982.

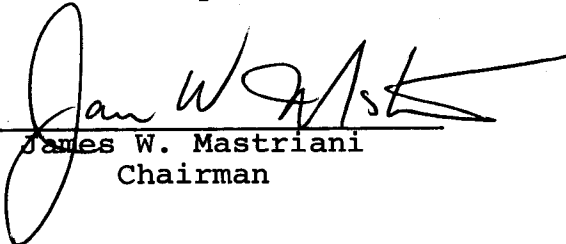
Local 29 has sought review of the decision of the Director. Its principal assertion is that the Director erred in directing the rerun election within thirty (30) days of his decision setting the initial election aside. Local 29 seeks to have the rerun election stayed and asks that at least a ninety (90) day period be provided prior to the holding of the rerun election. It asserts that at least a ninety (90) day period is essential in order to provide laboratory conditions for the rerun election.

I have considered the Request for Review filed by Local 29. N.J.A.C. 19:11-9.4(a) provides that a rerun election shall be scheduled at the discretion of the Director of Representation. Under the circumstances herein, I find no valid basis exists to stay this election. There is no basis to find that the Director did not exercise appropriate discretion in ordering and directing a new election within thirty (30) days of his decision setting the original election aside. Any question concerning the existence of laboratory conditions for the election now scheduled for April 19, 1982 can be fully litigated, if necessary, through post-election

objections.

ORDER

Acting under authority delegated to the Chairman by the full Commission, I hereby dismiss the instant request for review.

  
James W. Mastriani  
Chairman

DATED: Trenton, New Jersey  
April 16, 1982