

P.E.R.C NO. 2002-58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MORRIS COUNTY VOCATIONAL SCHOOLS
BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. CU-2001-30

MORRIS COUNTY VOCATIONAL TECHNICAL
EDUCATION ASSOCIATION,

Employee Organization.

SYNOPSIS

The Public Employment Relations Commission denies the request of the Morris County Vocational Schools Board of Education for review of D.R. No. 2002-8. In that decision, the Acting Director of Representation granted the request of the Morris County Vocational Technical Education Association to clarify its unit of professional and support staff employees to include the position of public relations specialist (PRS). The Board argues that the PRS does not share a community of interest with unit employees because the duties are highly defined and entirely different from other unit members. The Commission concludes that the Acting Director conducted an investigation and issued a comprehensive decision considering the Board's arguments and explaining why the PRS nevertheless has a community of interest with other members of the broad-based unit of certificated and support staff. The Commission finds that there are no compelling reasons to grant review.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Public Employer, Mills & Mills, attorneys
(John M. Mills, III, of counsel)

For the Employee Organization, Oxfeld Cohen, attorneys
(Gail Oxfeld Kanef, of counsel)

DECISION

On April 30, 2001, the Morris County Vocational Schools Board of Education requested review of D.R. No. 2002-8, 28 NJPER ____ (¶____ 2002). In that decision, the Acting Director of Representation granted the request of the Morris County Vocational Technical Education Association to clarify its unit of professional and support staff employees to include the position of public relations specialist (PRS).

The Board argues that the PRS does not share a community of interest with unit employees because the duties are highly defined and entirely different from other unit members. In particular, the Board states that the duties are narrowly focused, the training is not educationally driven, the PRS has little or no interaction with

other unit members, the work location is different, and the PRS reports to the superintendent.^{1/}

Under N.J.A.C. 19:11-8.2, a request for review will be granted only for one or more of these compelling reasons:

1. A substantial question of law is raised concerning the interpretation or administration of the Act or these rules;
2. The Director of Representation's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of the party seeking review;
3. The conduct of the hearing or any ruling made in connection with the proceeding may have resulted in prejudicial error; and/or
4. An important Commission rule or policy should be reconsidered.


The Acting Director conducted an investigation and issued a comprehensive decision considering the Board's arguments and explaining why the PRS nevertheless has a community of interest with other members of the broad-based unit of certificated and support staff. There are no compelling reasons to grant review of that determination.

^{1/} The Board states that the PRS is more like a managerial or confidential employee than other unit members. It does not, however, argue that the PRS is excluded from coverage under the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

ORDER

The request for review is denied.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, McGlynn, Muscato and Sandman voted in favor of this decision. Commissioners Katz and Ricci were not present.

DATED: April 25, 2002
Trenton, New Jersey
ISSUED: April 26, 2002