

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BARRINGTON BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-83-36

BARRINGTON EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission, applying the guidelines of In re Piscataway Bd. of Ed., P.E.R.C. No. 84-\_\_\_\_, 10 NJPER \_\_\_\_ (¶ \_\_\_\_ 1984), also decided today, holds that nonsupervisory secretarial employees of the Barrington Board of Education should be given the opportunity to vote on whether they wish the representation of the Barrington Education Association in the same unit as all nonsupervisory certified teachers and other professional employees of the Board. The Commission further holds that professional employees, pursuant to N.J.S.A. 34:13A-6, should be given the option of being or not being in the same unit as the non-professional supportive staff.

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In the Matter of

BARRINGTON BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. RO-83-36

BARRINGTON TEACHERS ASSOCIATION,

Petitioner.

Appearances:

For the Public Employer, Barbour & Costa, Esqs.  
(John T. Barbour, of Counsel)

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

DECISION AND ORDER

On September 16, 1982, the Barrington Teachers Association ("Association") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission. The Association represents a unit consisting of teachers and one nurse employed by the Barrington Board of Education ("Board") and seeks to add three secretarial employees which the Barrington Educational Secretaries Association ("Secretaries Association") now represents in a separate unit.

The Secretaries Association supports the petition.

The Board, relying on In re Englewood Bd. of Ed., P.E.R.C. No. 82-25, 7 NJPER 516 (¶12229 1981), asserts that the petitioned-for unit is inappropriate because of an alleged lack of community of interest between its teachers and secretarial

employees and a history of separate negotiations with the units.

On October 28, 1982, the Director of Representation issued a Notice of Hearing.

On September 12 and 14, 1983, Hearing Officer Mark A. Rosenbaum conducted a hearing. The parties entered stipulations (attached), examined witnesses, and introduced exhibits. Both parties filed post-hearing briefs and agreed to submit the matter directly to the Commission, waiving a Hearing Officer's report and recommended decision pursuant to N.J.A.C. 19:11-6.7(c).

The Board recognized the Association as the exclusive representative of the Board's non-supervisory professional and secretarial employees in approximately 1969. N.J.A.C. 19:11-3.1 After execution of the first collective negotiations agreement, the secretaries formed their own unit which the Board recognized.

Both the Association and the Secretaries Association are NJEA affiliates. An NJEA representative has co-ordinated negotiations efforts on behalf of teachers and secretaries since 1980. In addition, officers of the Association and Secretaries Association have consulted each other about negotiations proposals and contract interpretation questions.

Typically, the Board has concluded its negotiations with the Association before beginning negotiations with the Secretaries Association. The benefits the secretaries obtained in negotiations often paralleled those the teachers obtained. Thus, the collective agreements covering the two units contain nearly identical language with respect to such matters, for example, as grievance procedures, sick leave, personal leave, maternity

leave, health benefits and employee rights. Certain differences in terms and conditions of employment do exist, however, between teachers and secretaries with respect to such matters, for example, as work year, work day, overtime pay and lounge facilities.

We believe that the teachers, nurse, and secretaries in this case should be given the opportunity to choose unified representation in a single unit if they so desire. In a companion case decided today, In re Piscataway Twp. Bd. of Ed., P.E.R.C. No. 84-\_\_\_, 10 NJPER \_\_\_ (¶ \_\_\_ 1984), we extensively reviewed the history, precedents, and policies concerning unit structures in New Jersey school districts (Slip opinion at pp. 5-10); we incorporate that discussion here. When a dispute concerning the propriety of including one or more groups of supportive staff with teachers and other professional school district employees has arisen, the Commission since 1969 has consistently found that teachers and supportive staff have a community of interest stemming from such factors as their shared goals, the central authority controlling their working conditions, and their common working facilities and environment; and that this community of interest generally warrants giving teachers and supportive staff the opportunity to choose a unified representative in a single unit if they so desire. See, e.g., In re West Milford Bd. of Ed., P.E.R.C. No. 56 (1971); In re Montgomery Twp. Bd. of Ed., P.E.R.C. No. 27 (1969). We have also recognized, however, that affording employees such an opportunity is not an automatically applicable approach and will not be used when especially compelling circumstances

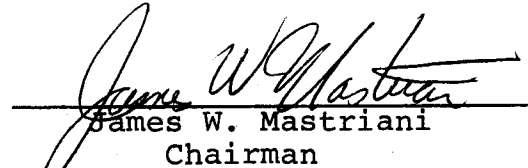
justifying the continuation of separate units are present. In re Englewood Bd. of Ed., P.E.R.C. No. 82-25, 7 NJPER 516 (¶12229 1981). The question in the instant case is whether the facts here fit within the narrow contours of Englewood and compel dismissal of the petition, thus negating altogether the factor of employee choice for or against unified representation. The answer is no. Unlike Englewood, the majority representative of the supportive staff unit welcomes, rather than vigorously opposes, the proposed unit and the existing units are not the subjects of longstanding certifications.<sup>2/</sup> Given these differences, we believe that the factors (including past negotiations history) relevant to determining appropriate unit structure are sufficiently in balance to permit the desires of the employees for or against unification to control. Accordingly, the supportive staff in question here should be given the opportunity to vote on whether they wish the Association's representation in the proposed unit. Further, professional employees, pursuant to N.J.S.A. 34:13A-6, should be given the option of being or not being in the same unit as the supportive staff here.

<sup>2/</sup> In this regard, we also note that an NJEA representative has co-ordinated negotiations efforts on behalf of teachers and secretaries since 1980. In addition, officers of the Association and Secretaries Association have consulted each other about negotiations proposals and contract interpretation questions.

ORDER

The case is remanded to the Administrator of Representation for further proceedings consistent with this opinion.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Butch and Graves voted in favor of this decision. Commissioners Suskin and Wenzler voted against the decision. Commissioners Hipp and Newbaker abstained.

DATED: Trenton, New Jersey  
April 18, 1984  
ISSUED: April 19, 1984

EXHIBIT "A"

STIPULATIONS

1. The Barrington Board of Education is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, and is the employer of all professional and non-professional employees involved in the above-entitled petition.
2. The Barrington Education Association is a majority representative within the meaning of the Act and is the majority representative of all non-supervisory professional employees employed by the Barrington Board of Education, and has been the majority representative since at least 1969.
3. The Barrington Educational Secretaries Association is a majority representative within the meaning of the Act and presently is the majority representative of all non-supervisory secretarial employees employed by the Board of Education.
4. There are three schools within the Barrington School District consisting of two Kindergarten-4 schools and one 5-8 school. There are presently 51 teaching staff members included within the unit represented by the BEA. There are presently three school secretary positions, one in each of the school buildings, included within the unit represented by the Barrington Educational Secretaries Association. The remainder of the district's secretarial staff, consisting of four central office secretaries and a half-time special education secretarial employee, are not represented by the Barrington Educational Secretaries Association. The Board asserts that these remaining secretarial staff are confidential

employees within the meaning of the Act.

5. For the teachers association's negotiations which resulted in a collective negotiations agreement (J-37) within the district, the negotiations team for that Association consisted of David Scott, Negotiations Chairperson; Patricia Baruzzi; Jane Frenoy and William Figga. All but Mr. Figga were teaching staff members employed within the district. Mr. Figga was an outside NJEA negotiations consultant.
6. While the negotiations representatives of the Board and the BESA for the collective negotiations which resulted in the collective negotiations agreement that is presently in effect in the district covering the secretaries' unit (J-32) were respectively William Marley, Board Secretary, and Dolores Wood, President of the BESA, and while they met and negotiated on at least four occasions with no other individuals involved, there was only one other occasion during these negotiations in which any other individuals were involved. Those other individuals were David Scott and William Figga, and that one occasion was the October 7, 1981, negotiations session between the Board and the BESA.
7. At the October 7, 1981, negotiations session, the Board of Education was represented by Dr. Richard Deane, Sut. of Schools, and Richard Blasberg, Marianna Peters, Daniel Petrucelli and Wallace McPherson, Board of Education members.
8. William Marley, Board Secretary, was on sick leave within the district during the period from August 1981 to October 1981.



9. The Board of Education since at least 1976 has been represented for purposes of the teachers' association negotiations by an outside professional negotiator.
10. The Barrington Board of Education has never been represented by an outside professional negotiator for purposes of negotiations with the BESA.
11. The Board of Education's negotiations team for the current teacher's contract (J-37) consisted of Richard Blasberg, Marianna Peters, Daniel Petrucelli, Dr. Richard Deane, William Marley and John Barbour, Esquire.
12. There are nine custodians and one maintenance employee who are represented in a separate unit apart from either of the two units involved herein. This unit has engaged in separate negotiations for at least the past eleven years. There are four or five cafeteria employees who are currently unrepresented, and there are no transportation employees within the district. There are approximately fourteen lunch room aides who are at present unrepresented. (T1-15-26 for stipulations.)