

P.E.R.C. NO. 85-103

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RIDGEFIELD BOARD OF EDUCATION,  
Public Employer,

-and-

Docket No. RO-85-65

RIDGEFIELD TEACHERS ASSOCIATION,  
NJEA,

Petitioner.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, denies the Ridgefield Board of Education's request for review of the Director of Representation's decision directing an election in a negotiations unit of all custodial, maintenance, secretarial and professional employees employed by the Board. The Chairman finds that the requisite "compelling reasons" to grant the request did not exist.

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Appearances:

For the Public Employer, Gallo & Geffner, Esqs.  
(Dennis G. Harraka, Of Counsel)

For the Petitioner, Vincent E. Giordano, Field  
Representative, NJEA UniServ Regional Office

DECISION ON REQUEST FOR REVIEW  
AND STAY OF ELECTION

On October 15, 1984, the Ridgefield Teachers Association, NJEA ("Association") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission. The Association seeks to represent a unit of all custodial and maintenance employees, secretarial employees, and teachers and other professional employees employed by the Ridgefield Board of Education ("Board").

The Association is the current majority representative of all the Board's teachers and other professional employees. The Ridgefield Custodial and Maintenance Association, NJEA ("Custodial and Maintenance Association") is the current majority representative of all the Board's custodial and maintenance employees. The

Ridgefield Educational Secretaries Association, NJEA, ("Secretaries Association") is the current majority representative of all the Board's educational secretaries. Both the Custodial and Maintenance Association and Secretarial Association have submitted statements supporting the Association's petition and advising that they no longer wish to represent these employees in separate units.

The Board opposed the petition. It asserted that the consolidation of units would be inappropriate because of a history of negotiations in separate units and the alleged lack of "community of interest" of the professional and non-professional employees.

On March 8, 1985, the Director of Representation, based upon an administrative investigation, issued a decision directing an election. Ridgefield Board of Education, D.R. No. 85-18, 11 NJPER \_\_\_ (Par \_\_\_ 1985). Relying on Piscataway Twp. Board of Education, P.E.R.C. No. 84-124, 10 NJPER 272 (Para 15134 1984) ("Piscataway"), he found that the employees in the proposed unit possessed the requisite community of interest and that the negotiations history did not warrant denying these employees the opportunity to choose unified representation in a single unit.

On March 25, 1985, the Board requested review. It contends that Piscataway, supra, should be overruled; that professional and non-professional employees do not possess a "community of interest", and that the history of separate negotiations units justifies continuation of separate negotiations units. On April 1, 1985, the Board filed a request to stay the election pending the request for

review.

N.J.A.C. 19:11-8.2 sets forth the standards for determining whether to grant a request for review of a representation decision. It provides:

(a) The Commission will grant a request for review only where compelling reasons exist therefor. Accordingly, a request for review may be granted only upon one or more of the following grounds.

1. That a substantial question of law is raised concerning the interpretation or administration of the act or these rules;
2. That 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. That the conduct of the hearing or any ruling made in connection with the proceeding may have resulted in prejudicial error; and/or
4. That there are compelling reasons for reconsideration of an important commission rule or policy.

Acting under authority delegated to the Chairman by the full Commission, I deny the request and stay of election. The Board has not established the requisite "compelling reasons" to grant its request for review.

The Board does not dispute Piscataway's applicability to this case. Rather, it contends that Piscataway was wrongly decided. I disagree for the reasons stated in that decision. Further, in five companion cases to Piscataway, the Commission applied these same principles. Glen Rock Board of Education,

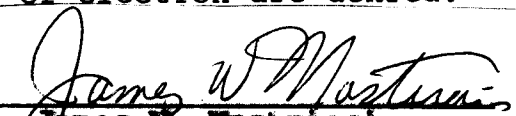
P.E.R.C. No. 84-125, 10 NJPER 275 (Para 15135 1984); Bordentown Regional Board of Education, P.E.R.C. No. 84-126, 10 NJPER 276 (Para 15136 1984); Bergen County Vocational Schools, P.E.R.C. No. 84-127, 10 NJPER 279 (Para 15137 1984); Freehold Township Board of Education, P.E.R.C. No. 84-128, 10 NJPER 280 (Para 15138 1984) and Barrington Board of Education, P.E.R.C. No. 84-125, 10 NJPER 282 (Para 15139 1984). Only Bordentown was appealed. On April 9, 1985, the Appellate Division of the Superior Court (Docket No. A-4503-8356, decided April 9, 1985), affirmed the Commission's decision and rejected the same arguments raised here. It said, in pertinent part:

[the Board] contend[s] that PERC's action in concluding that these two groups of employees shared a community of interest and that the negotiations history did not require continuation of separate negotiations units was erroneous, arbitrary and capricious. We disagree and affirm...the decision of PERC...represented a reasonable application of the general rule in terminating the appropriate bargaining unit for public educational employees.  
[Slip opinion at 2-4]

Accordingly, there are no compelling reasons to grant the request for review or to stay the election.

ORDER

The requests for review and stay of election are denied.

  
James W. Mastriani  
Chairman

DATED: Trenton, New Jersey  
April 16, 1985