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Board (PERB)

1-8-1980

State of New York Public Employment Relations Board Decisions from January 8, 1980

New York State Public Employment Relations Board

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State of New York Public Employment Relations Board Decisions from January 8, 1980

Keywords

NY, NYS, New York State, PERB, Public Employment Relations Board, board decisions, labor disputes, labor relations

Comments

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STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of	:	#2A-1/8/80
GARRISON UNION FREE SCHOOL DISTRICT,	:	
Employer,	:	<u>BOARD DECISION ON MOTION</u>
-and-	:	
GARRISON EDUCATORS' ASSOCIATION,	:	<u>CASE NO. C-1554</u>
Petitioner,	:	
-and-	:	
GARRISON TEACHERS' ASSOCIATION,	:	
Intervenor.	:	

This matter comes to us on a Motion of the Garrison Educators' Association (GEA) to "reopen a decision" issued by us on June 7, 1979 (12 PERB ¶3050). In our decision, we rejected challenges to two ballots cast in an election in which GEA and the Garrison Teachers' Association (GTA) contested to represent a unit of teachers employed by the Garrison Union Free School District (District). When the two ballots were counted, both of which were cast for GTA, the election resulted in a tie of ten votes each for GEA and GTA. Accordingly, we directed that there be a runoff election. That runoff election was held on December 18, 1979 and resulted in a victory for GTA by a vote of 13 to 6, with two voters being challenged once again.

Two days later, GEA filed the instant Motion. It requests this Board to reconsider its decision to count the vote of one of the employees whose ballot was challenged in the original elec-

tion. That employee, Doris Tintle, is the vice-principal and a full-time teacher in the District. In its original challenge, GEA contended that Tintle was a supervisory employee and therefore not properly in the unit. After a detailed analysis of the record, we concluded that Tintle did not exercise supervisory responsibility.

In support of its present Motion, the attorney for GEA now asserts that,

"It has been brought to my attention that Tintle has engaged in additional conduct which would tend to show that her [supervisory] duties have not been, and are not now, of a 'de minimis' nature....I believe that such evidence warrants reconsideration of the results reached in the June 7, 1979 Decision."

DISCUSSION

There is no showing that the evidence that GEA proposes to introduce is such newly discovered or developed evidence as would justify the reopening of the hearing. Even if the proffered evidence were to establish that Tintle exercised supervisory responsibility after the first election, that evidence would not affect her status as an eligible voter at the time of that election. To the extent that the evidence brought to the attention of GEA's attorney may deal with circumstances that occurred before the first election, there is no indication in the Motion papers that such evidence was previously unavailable to her or that it was not known by the officers and members of GEA. Accordingly, there is no valid basis for disturbing the previous decision.

NOW, THEREFORE, WE ORDER that the Motion herein be Denied.

DATED: New York, New York
January 8, 1980

Harold R. Newman

Harold R. Newman, Chairman

Ida Klaus

Ida Klaus, Member

David C. Randles

David C. Randles, Member

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIO BOARD

MONTICELLO CENTRAL SCHOOL DISTRICT, :
Employer, : #3A-1/8/80
- and - :
SCHOOL AND LIBRARY LOCAL UNION 74, :
SERVICE EMPLOYEES INTERNATIONAL UNION, :
AFL-CIO, : Case No. C-1962
- and - :
MONTICELLO CENTRAL SCHOOL TRANSPORTATION :
ASSOCIATION, :
Intervenor. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected,

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that SCHOOL AND LIBRARY LOCAL UNION 74, SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO

has been designated and selected by a majority of the employees of the above named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: All full-time and part-time bus drivers, mechanics, mechanic helpers, head mechanics and dispatchers.

Excluded: All other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with SCHOOL AND LIBRARY LOCAL UNION 74, SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 8th day of January, 1980
New York, N.Y.

Harold R. Newman
Harold R. Newman, Chairman

Ida Klaus
Ida Klaus, Member

David C. Randles
David C. Randles, Member

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STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #3B-1/8/80
SANDY CREEK CENTRAL SCHOOL DISTRICT, :
Employer, :
- and - :
TEACHERS UNITED OF SANDY CREEK, :
Petitioner, : Case No. C-1964
- and - :
SANDY CREEK TEACHERS ASSOCIATION, :
Intervenor. :
:

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected,

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that SANDY CREEK TEACHERS ASSOCIATION

has been designated and selected by a majority of the employees of the above named public employer, in the unit agreed upon by the parties and described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit: Included: Full-time teachers, psychologists, guidance counselors, regular part-time teachers.

Excluded: All other employees.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with SANDY CREEK TEACHERS ASSOCIATION.

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 8th day of January, 19 80

New York, N.Y.

Harold R. Newman
Harold R. Newman, Chairman

Ida Klaus
Ida Klaus, Member

David C. Randles
David C. Randles, Member

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