



particular employees". The District contends that "considering the level of formal training and education of many custodians in Delaware, it seems as though precautions should have been taken to ensure that all of the custodians understood the process".

The District is mistaken in its belief that it was required to stand by and allow employees to struggle with the balloting process. Numerous copies of the Notice of Election were sent to Dr. Adams, District Superintendent, on June 7, 1991, for posting throughout the District. The Notice contained a sample ballot and the following declaration: "All questions regarding this process should be addressed to the PERB at the number and address above". None was received from either the District or any individual custodian prior to the election. If the District had a concern(s) about the integrity of the decertification process, at any stage, it had both the right and the opportunity to inform the Public Employment Relations Board prior to the date of the election.

The District's argument that the three (3) void ballots indicate that those voters possibly did not understand the balloting process is mere speculation. The factual record provides no reasonable basis for concluding that any Vo-Tech custodian was confused over the balloting process so that he/she was unable to cast an informed ballot. The Notices which were posted more than two weeks prior to the election contained a sample ballot and explicit instructions that questions concerning "the holding of an election, the voting unit or eligibility rules" be referred to the PERB offices, the address and telephone number of which were set forth therein.

At both locations where voting took place each voter was required to register with the PERB appointed neutral election official who then directed him/her to the voting table, one at a time, in order to assure a secret ballot election. Each voter was told by the election official that if he/she had any problems or questions, they should be brought to the attention of the election official.

The conditions under which the District suggests a rerun election should be conducted are, in fact, the very conditions under which the initial election was administered.

Other factors militate against the District's position. District and KVTCA (provided by DSEA) election observers and Corrine Massey, the custodian who filed the decertification petition, acknowledged prior to the election that a very close contest was expected and could possibly be decided by one vote. At the Woodside balloting location, where nine (9) of the thirteen (13) total votes were cast, all of the custodians voted within the first fifteen (15) minutes of the authorized two hour voting period. At the Dover North location, all four (4) eligible voters cast ballots within approximately the first hour. This activity indicates a high level of interest in the election and minimizes the probability of uninformed voters.

The District's contention that the three (3) void ballots resulted from voter confusion is only one of several possible explanations. Equally probable is the rationale set forth by Ms. Linda James, UniServ Director for the Delaware State Education Association assigned to serve the KVTCA, in her letter of August 12, 1991, that "... some of the custodians did not want to vote for or against KVTCA/DSEA/NEA" and "if some custodians had not voted, the Administration would have known who did not vote due to the size of the unit. By marking ballots so they could be declared null and void, they were able to express their desire not to vote for or against KVCTA/DSEA/NEA.

Last, but certainly not least, level of education or training is not a limitation on the right to vote in a representation election where the individual voter is otherwise eligible. Regardless of personal circumstances, every custodian voting in the Kent Vo-Tech election was afforded adequate opportunity to seek guidance from a neutral party, if, in fact, he/she believed it to be necessary.

The District has failed to establish that conduct by a party to the election, or by the Public Employment Relations Board, constituted prejudicial error which compromised the integrity of the election process. The objection filed by the Kent Vo-Tech School District is,

therefore, dismissed and the election result, as certified by the Public Employment Relations Board on July 29, 1991, is affirmed.

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