

D.R. NO. 85-5

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE ADMINISTRATOR OF REPRESENTATION PROCEEDINGS

In the Matter of

BOROUGH OF COLLINGSWOOD,

Public Employer,

-and-

DOCKET NO. RO-85-5

COLLINGSWOOD SUPERIOR
OFFICERS ASSOCIATION,

Petitioner.

SYNOPSIS

The Administrator of Representation Proceedings, on the basis of an administrative investigation, directs an election among police superior officers of the Borough of Collingswood.

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DECISION AND DIRECTION OF ELECTION

On August 6, 1984, a Petition for Certification of Public Employee Representative was submitted to the Public Employment Relations Commission ("Commission") by the Collingswood Superior Officers Association ("Association"), seeking to represent the Deputy Chief of Police, Lieutenants, and Sergeants employed by the Borough of Collingswood ("Borough").

An administrative investigation has been conducted into the matters raised by the filing of the Petition. On the basis of the investigation, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.4(b), there is no necessity for a hearing where, as here, no substantial and material factual issues have

been placed in dispute by the parties.

2. The Borough of Collingswood is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"), is the employer of the employees who are the subject of the Petition, and is subject to the provisions of the Act.

3. The Collingswood Superior Officers Association is an employee representative within the meaning of the Act, and is subject to its provisions.

4. The Association seeks to represent the deputy chief of police, lieutenants and sergeants employed by the Borough and is willing to consent to a secret ballot election.

5. The Borough has not submitted a written statement of position in this matter, nor has it submitted a list of employees. ^{1/} The Borough did not attend the informal conference conducted in this matter by a Commission staff agent on August 28, 1984.

6. On October 1, 1984, the undersigned issued a letter to the parties advising them that the unit proposed was a prima facie appropriate unit and afforded them an opportunity to present additional documentary and other evidence with respect to the filed petition as well as statements of position. Neither party has responded to the undersigned's letter.

^{1/} In the absence of the submission of an employee list, the showing of interest is presumptively valid.

Accordingly, on the basis of the above, the undersigned finds that a question concerning employee representation exists and the matter is appropriate for the conduct of an election.

Therefore, the undersigned finds that the appropriate unit is: all superior officers employed by the Borough of Collingswood but excluding, all other employees including craft employees, managerial executives, confidential employees, the chief of police, patrol officers, firefighters and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that the election shall be conducted by mail ballot. The election shall commence no later than thirty (30) days from the date set forth below.

Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

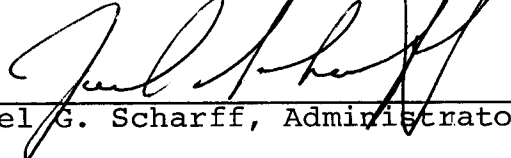
Pursuant to N.J.A.C. 19:11-9.6, the Borough is directed to file with the undersigned and with the Association, an eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses

and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date established for ballot issuance. A copy of the eligibility list shall be simultaneously filed with the Association with statements of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they wish to be represented for purposes of collective negotiations by the Collingswood Superior Officers Association.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE ADMINISTRATOR
OF REPRESENTATION PROCEEDINGS



Joel G. Scharff, Administrator

DATED: October 18, 1984
Trenton, New Jersey