

STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
BEFORE THE DIRECTOR OF REPRESENTATION

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

NEW JERSEY STATE SUPERVISORY  
EMPLOYEES ASSOCIATION -  
SECONDARY LEVEL - a/w NJSEA-  
NJCSA,

Docket Nos. RO-77-194  
and RO-78-3

Petitioner,

-and-

LOCAL 1099, COMMUNICATIONS  
WORKERS OF AMERICA, INTERMED-  
IATE LEVEL, NEW JERSEY STATE  
SUPERVISORS,

Petitioner.

SYNOPSIS

The Director of Representation directs the conduct of a secret ballot election to determine the exclusive negotiations representative, if any, of all higher level supervisory employees employed by the State. The parties agree that a negotiations unit comprised of higher level supervisory employees is an appropriate unit for collective negotiations and do not object to the conduct of an election among employees. The Director determines that it is appropriate to conduct an election. The election shall be conducted by mail ballot during the period commencing September 15, 1978, the date on which ballots will be mailed to employees, and terminating at 10 a.m., October 6, 1978, after which time ballots shall be tallied.

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WORKERS OF AMERICA, INTERMED-  
IATE LEVEL, NEW JERSEY STATE  
SUPERVISORS,

Petitioner.

Appearances:

For the Public Employer,  
Frank A. Mason, Director, Office of Employee Relations

For the Petitioner NJSEA-NJCSA  
Fox & Fox, Esqs.  
(David I. Fox, of Counsel)

For the Petitioner CWA  
Kapelsohn, Lerner, Reitman & Maisel, Esqs.  
(Sidney Reitman, of Counsel)

DECISION AND DIRECTION OF ELECTION

On June 27, 1977, as amended November 15, 1977, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission")

by the New Jersey State Supervisory Employees Association - Secondary Level - NJSEA-NJCSA (the "Association") with respect to a proposed unit consisting of "all second line supervisors..." employed by the State of New Jersey. The Association's Petition is accompanied by an adequate showing of interest. On July 7, 1977, as amended February 10, 1978, a Petition for Certification of Public Employee Representative was filed with the Commission by Local 1099, Communications Workers of America, Intermediate Level, New Jersey State Supervisors (the "CWA") with respect to a proposed unit described as including "all intermediate level supervisors..." employed by the State of New Jersey. CWA's Petition is supported by an adequate showing of interest. The undersigned has caused an administrative investigation of these Petitions to be conducted in order to determine the facts. Inasmuch as both of these Petitions relate to the same generically described unit of employees, the processing of these Petitions has been conducted in a consolidated fashion.

On the basis of the administrative investigation herein, 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 disputed factual issues exist which may more appropriately be resolved after a hearing. Pursuant to N.J.A.C. 19:11-2.6(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 State of New Jersey is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., as amended (the "Act"), is the employer of the employees involved in the Petitions, and is subject to the Act's provisions.

3. New Jersey State Supervisory Employees Association - Secondary Level - a/w New Jersey State Employees Association-New Jersey Civil Service Association and Local 1099, Communications Workers of America, Intermediate Level, New Jersey State Supervisors are employee representatives within the meaning of the Act and are subject to its provisions.

4. Petitions for Certification of Public Employee Representative having been filed and the parties not having agreed to the conduct of a secret ballot election, a dispute exists and the matter is appropriately before the undersigned for determination.

5. All parties agree that the appropriate unit for collective negotiations consists of "all higher level supervisory employees employed by the State of New Jersey" and that it is appropriate for an election to be conducted among the employees described in this unit.

6. All parties agree that the employees who comprise the above-described unit are professional employees within the definition of that term contained in the Commission's Rules, N.J.A.C. 19:10-1.1(a)21.

7. All parties agree that there are a limited number of titles on which there is disagreement with regard to eligibility.

8. It appearing to the undersigned that the proposed unit of employees generically described above constitutes an appropriate unit for collective negotiations within the intentment of the Act, and it appearing that the parties have no objection to the conduct of a secret ballot election among the employees in the proposed unit, and it further appearing to the undersigned that such employees should have the opportunity to designate at this time <sup>1/</sup> a collective negotiations representative, if any, through the means of a secret ballot election, the undersigned shall direct an election to be conducted among all higher level supervisory employees employed by the State of New Jersey.

Accordingly, the undersigned finds that the appropriate unit for collective negotiations is "all higher level supervisory employees employed by the State of New Jersey, but excluding all managerial executives, confidential employees, non-supervisory employees, primary-level supervisory employees, non-professional employees, and police within the meaning of the Act."

1/ This matter involves a question concerning the representation of approximately 1300 State employees. The undersigned determines that, in the circumstances involved herein, the purposes of the Act will be best effectuated by the prompt conduct of an election among the employees inasmuch as the parties have agreed upon the eligibility of the vast majority of the titles and the procedures of the Commission are available for the subsequent resolution, if necessary, of the remaining disputed titles.

9. Therefore, pursuant to N.J.A.C. 19:11-5.1, the undersigned directs that an election be conducted among employees described immediately above. The election shall be conducted by mail ballot pursuant to N.J.A.C. 19:11-9.2 and as more particularly described below.

Those eligible to vote are employees set forth above, including but not necessarily limited to employees described in Attachments #1 and #2 of the Notice of Election attached hereto and made a part hereof, who were employed during the payroll period immediately preceding July 28, 1978, 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 quit 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 State is directed to file with the undersigned, with the Association, and with CWA an election eligibility list, consisting of an alphabetical listing of the names of all eligible voters together with their last-known mailing addresses and job titles. The undersigned has requested, and the State has agreed, to furnish the eligibility list to the Commission no later than August 25, 1978. A copy of the eligibility list shall be simultaneously filed with the Association and with CWA with a statement 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.

The Commission shall conduct the mail ballot election during the period commencing September 15, 1978, and terminating on October 6, 1978, at 10 a.m. In order to be valid, an employee ballot must be received in the Commission's designated post office box no later than 10 a.m., October 6, 1978. Ballots will be counted at 11 a.m., October 6, 1978, at the Commission's offices in Trenton.

At the tally of ballots, each party shall be entitled to designate an authorized representative who may challenge the eligibility of a voter for cause.

On September 15, 1978, the Commission shall mail the following materials to employees in the titles listed on Attachments #1 and #2 of the attached Notice of Election: a notice of the election; a ballot; instructions to voters; a secret ballot envelope; and a stamped, return-addressed envelope.

The State is instructed to post immediately the enclosed Notice of Election with attachments in places where such employee notices are normally posted.

Those eligible to vote shall vote as to whether or not they desire to be represented for the purpose of collective negotiations by N.J. State Supervisory Employees Association - Higher Level - affiliated with NJ State Employees Assoc.-N.J. Civil Service Assoc., or by CWA, AFL-CIO, Supervisors Local 1099, or neither.

The exclusive representative shall be determined by a majority of the ballots cast. The election directed herein shall

be conducted in accordance with the Commission's Rules.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
\_\_\_\_\_  
Carl Kurtzman, Director

DATED: August 24, 1978  
Trenton, New Jersey



  
STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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## NOTICE OF ELECTION

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**PURPOSE OF THIS ELECTION** This election is to determine the representative, if any, desired by the eligible employees for purposes of collective negotiations with their employer. (See VOTING UNIT in the attachment to this Notice of Election, for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election.

**SECRET BALLOT** The election will be by SECRET ballot under the supervision of the Public Employment Relations Commission. Voting will be by mail. Eligible employees will receive a Notice of Election, Instructions and a stamped, return-addressed envelope. In order for a ballot to be valid, the instructions must be carefully followed and the ballot must be received no later than the date fixed for returns.

A sample of the official ballot is included in the attachment to this Notice.

**ELIGIBILITY RULES** Employees eligible to vote are those described under VOTING UNIT in the attachment to this Notice of Election, including employees who did not work during the designated payroll period because they were out ill or on vacation or temporarily laid off, and also including employees in the military service. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election.

**CHALLENGE OF VOTERS** An agent of the Commission or an authorized observer may question the eligibility of a voter. Such challenge MUST be made before the ballot envelope is opened and the ballot removed and mixed with the other eligible ballots.

**AUTHORIZED OBSERVERS** Each of the parties may designate an equal number of observers, this number to be determined by the Director of Representation or the agent in charge of the election. These observers (a) act as checkers at the counting of ballots, (b) challenge voters and ballots, and (c) otherwise assist the agent of the Commission.

**INFORMATION CONCERNING ELECTION** The Commission's Rules and Regulations provide that only one valid representation election may be held in a 12-month period. Any employee who desires to obtain any further information concerning the terms and conditions under which this election is to be held or who desires to raise any question concerning the holding of an election, the voting unit, or eligibility rules may do so by communicating with the Director of Representation or the agent in charge of the election.

DIRECTOR OF REPRESENTATION, 429 EAST STATE STREET, TRENTON,  
N.J. 08608    PHONE (Area Code 609) 292-9832

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**THIS IS THE ONLY OFFICIAL NOTICE**



STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

**NOTICE OF ELECTION**  
**ATTACHMENT**

VOTING UNIT

UNIT: HIGHER LEVEL SUPERVISORY EMPLOYEES EMPLOYED BY THE STATE OF NEW JERSEY.

THOSE ELIGIBLE TO VOTE ARE: HIGHER LEVEL SUPERVISORY EMPLOYEES EMPLOYED BY THE STATE OF NEW JERSEY WHO WERE EMPLOYED DURING THE PAYROLL PERIOD ENDING JULY 28, 1978, INCLUDING THE FOLLOWING TITLES: (SEE ATTACHMENT #1).

THOSE NOT ELIGIBLE TO VOTE ARE: MANAGERIAL EXECUTIVES, CONFIDENTIAL EMPLOYEES, NON-SUPERVISORY EMPLOYEES, PRIMARY-LEVEL SUPERVISORY EMPLOYEES, POLICE AND NON-PROFESSIONAL EMPLOYEES.

THOSE ELIGIBLE TO VOTE SUBJECT TO CHALLENGE: (SEE ATTACHMENT #2).

DATES OF ELECTION

DATE BALLOTS ARE TO BE MAILED: September 15, 1978.

DATE BALLOTS ARE TO BE RECEIVED BY: 10:00 a.m., October 6, 1978.

DATE BALLOTS ARE TO BE COUNTED: October 6, 1978.

STATE OF NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION <b>OFFICIAL SECRET BALLOT</b> FOR CERTAIN EMPLOYEES OF STATE OF NEW JERSEY		
This ballot is to determine the collective negotiating representative, if any, for the unit in which you are employed.		
MARK AN "X" IN THE SQUARE OF YOUR CHOICE		
CWA, AFL-CIO SUPERVISORS LOCAL 1099	NEITHER	N.J. STATE SUPERVISORY EMPLOYEES ASSOCIATION - HIGHER LEVEL - AFFILIATED WITH NJ STATE EMPLOYEES ASSOC -N.J. CIVIL SERVICE ASSOC-
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DO NOT SIGN THIS BALLOT.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE

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# NOTICE OF ELECTION

## ATTACHMENT

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TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Area Supervisor Highway Maintenance

Area Supervisor of Right of Way, Appraisals Review  
Assistant Actuary  
Assistant District Supervisor - Electrical

Assistant Engineer in Charge Maintenance 1

Assistant Engineer in Charge Maintenance 2

Assistant Food Service Supervisor 1

Assistant Food Service Supervisor 2

Assistant Food Service Supervisor 3

Assistant Master Mechanic

Assistant Supervisor Housing - Plan Approval Section

Asst. Supervisor of Resident Living Mental Retardation

Asst. Supervising Engineer Admin. & Contract SE

Asst. Chief - Central Duplicating and Printing Control

Asst. Chief Mail Section

Asst. Maintenance Supervisor, PIP

Asst. Supt. of State Game Farm

Asst. Supervising Architect

Asst. Supervising Contract Admin.

Asst. Supervising Engineer Civil

Asst. Supervising Engineer - Electrical

Asst. Supervising Engineer - Mechanical

Asst. Supervising Engineer - Structural

Asst. Supervisor Audit Activity - Refund Section

Asst. Supervisor Central I.D. Section, Taxation

Asst. Supervisor Corporation Section

Asst. Supervisor - Public Contracts Section

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# NOTICE OF ELECTION

## ATTACHMENT

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TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Asst. Supv. Mechanical Maintenance  
Building Services Supervisor  
Cashier - Taxation  
Chief Bridge Operator 1  
Chief - Graphic Arts  
Chief Technical Equipment - Treasury  
Coordinator - Special Grant Activities  
Coordinator - Government & Small Business Aides  
Coordinator Health Care Facilities Analysis  
Coordinator Public Health Statistics  
Coordinator Technical Library Services  
Director Occupational Therapy II  
Disability Review Officer - Pension  
District Parole Supervisor  
District Supervisor - Inspector, Construction  
District Supervisor Community Day Care  
Driver Record Supervisor Correspondence  
Engineer in Charge Maintenance 3  
Engineer in Charge Maintenance 4  
Farm Supervisor 3  
Field Service Supervisor II, Division of Welfare  
Fleet Coordinator CMP  
Food Service Supervisor I  
Food Service Supervisor II  
Food Service Supervisor 3  
Food Service Supervisor 4  
Forensic Spectroscopist

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# NOTICE OF ELECTION

## ATTACHMENT

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TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Housekeeping Supervisor 1  
Housekeeping Supervisor 2  
Housekeeping Supervisor 3  
Inventory Control Analyst  
Manager Forms Design & Control  
Manager Word Processing Systems 2  
Medical Records Supervisor  
Office Supervisor  
Principal Investigator - Motor Carriers  
Principal Tech. Management Info. Systems  
Project Engineer Architectural Bridge Design  
Project Engineer Construction  
Project Engineer Drainage  
Project Engineer Electrical  
Project Engineer Environmental  
Project Engineer Geology  
Project Engineer Industrial  
Project Engineer Local Government Aid  
Project Engineer Maintenance  
Project Engineer Materials  
Project Engineer Planning  
Project Engineer Plant Engineering & Operations  
Project Engineer Research  
Project Engineer Right of Way  
Project Engineer Rt. Location Transportation  
Project Engineers Soils  
Project Engineer Structural Transportation

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# NOTICE OF ELECTION

## ATTACHMENT

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TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Project Engineer Surface Design  
Project Engineer Traffic  
Project Engineer Utilities  
Radiological Officer - Civil Defense  
Real Property - Management Specialist  
Regional Maintenance Supervisor, Trans.  
Reg. Supv. Housing Code Enforcement Section  
Social Work Supervisor 2  
Staff Section Firewarden  
State Supervisor Job Bank  
Superintendent of Parks and Recreation I  
Superintendent of Parks and Recreation II  
Superintendent of Parks and Recreation III  
Supervising Accountant - State Use  
Supervising Archivist  
Supervising Auditor  
Supervising Auditor - Taxation  
Supervising Bank Examiner  
Supervising Buyer  
Supervising Claims Adjudicator - Disability Determinations  
Supervising Commuter Trans. - Specialist Facilities  
Supervising Electronics - Technician  
Supervising Engineer Aide  
Supervising Engineer Aide - Materials  
Supervising Engineer - Navigation  
Supervising Environmental Specialist (A-27)  
Supervising Environmental Specialist  
Supervising Environmental Technician  
Supervising Examiner - Consumers Credit  
Supervising Field Rep. Local Property Tax

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# NOTICE OF ELECTION

## ATTACHMENT

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TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Supervising Field Rep. Wage & Rate Compliance  
Supervising Forensic Chemist  
Supervising Garage Foreman  
Supervising Geologist  
Supervising Insurance Examiner  
Supervising Investigator - Taxation  
Supervising Labor Market Analyst  
Supervising Laboratory Service Worker  
Supervising Laboratory Technician  
Supervising Librarian  
Supervising Mechanical Stores Clerk  
Supervising Medical Security Officer  
Supervising Planner  
Supervising Planner - Transportation  
Supervising Rate Analyst - Utility  
Supervising Research Asst. - Transportation  
Supervising Savings & Loan Examiner  
Supervising Stock Clerk  
Supervising Substance Abuse Counsellor  
Supervising Topographic Engineer  
Supervising Supply Support Operation  
Supervising Training Technician  
Supervising Transportation Analyst

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Supervisor Admin. Services - Motor Vehicles  
Supervisor Building Services  
Supervisor Bureau of Court Reports & Fines  
Supervisor Central Garage and Motor Pool  
Supervisor Commuter Trans. Specialist Implementation P.R.O.  
Supervisor Contact & Control Section - Taxation  
Supervisor Court Disposition Reporting Unit  
Supervisor Data Input & Control Section - Taxation  
Supervisor Data Preparation

# NOTICE OF ELECTION

## ATTACHMENT

### TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Supervisor Data Processing Machines Operations II  
Supervisor Data Processing Technical Support  
Supervisor Distribution & Collection Oper. State Lottery  
Supervisor Driver Record File  
Supervisor Fingerprint Technical Unit  
Supervisor Forest Fire Equipment  
Supervisor Fiscal Accounts  
Supervisor Fiscal Review Youth & Family Services  
Supervisor Licences & Registrations Section Taxation  
Supervisor Home Industrial Service  
Supervisor Licensing Section  
Supervisor Licensing Unit Prof. Board  
Supervisor Loan Section  
Supervisor Lottery Control Section  
Supervisor Microfilm Services Education  
Supervisor Motorboat Licensing Section  
Supervisor Motor Vehicle Inspection Station  
Supervisor Motor Vehicle Licensing  
Supervisor of Accounts  
Supervisor of Advertising Permits & Highway Marking  
Supervisor of Building Repairs II  
Supervisor of Cartography & Graphics  
Supervisor of Claims  
Supervisor of Clinical Labs  
Supervisor of Collections Unsatisfied Claims & Judgements  
Supervisor of Compulsory Insurance  
Supervisor of Contract Administration  
Supervisor of Control - Water Policy & Supply  
Supervisor of Driver Records - Corrections & Verification  
Supervisor of Educational Programs I  
Supervisor of Equipment Inspections  
Supervisor of Financial Responsibility  
Supervisor of Forms Specifications & Printing - MV  
Supervisors of Highway Marking  
Supervisor of Highway and Road Side Use  
Supervisor of Inspections - Child Care Enters



# NOTICE OF ELECTION

## ATTACHMENT

TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Supervisor of Inspections - Long Term Care Facilities  
 Supervisor of Institutional Grounds  
 Supervisor of Insurance Education  
  
 Supervisor of Laundry Operations  
  
 Supervisor of Mails  
  
 Supervisor of Main. Fish & Game  
  
 Supervisor of Main. Water Policy & Supply  
  
 Supervisor of Marinas  
 Supervisor of Materials, Maintenance  
 Supervisor of Nursing Services  
  
 Supervisor of Occupational Analysis & Industry Service  
  
 Supervisor of Office Services Trans.  
  
 Supervisor of Office Services Education  
  
 Supervisor of Operations PIP  
  
 Supervisor of Postal Services  
  
 Supervisor of Preventive Maintenance Programs State Colleges  
 Supervisor of Printing Operations 2  
 Supervisor of Records - Trans.  
  
 Supervisor of Rehab. Training - C.B. & V.I.  
  
  
 Supervisor of Right/Way, II - Transportation  
  
 Supervisor of Tabulating Machine - Operations III  
  
 Supervisor of Traffic Enumeration  
 Supervisor Office/Women in Voc. Ed.  
  
 Supervisor Printing Operations  
  
 Supervisor Purchase & Claims  
  
 Supervisor Retirement Section  
  
 Supervisor Returns File Section Taxation  
  
 Supervisor Returns Processing Taxation  
  
 Supervisor Standards & Procedures - Medical Asst. & Health Serv.  
  
 Supervisor State Office Centrex Systems

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# NOTICE OF ELECTION

## ATTACHMENT

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TITLES INCLUDED IN THE HIGHER LEVEL SUPERVISORY EMPLOYEES UNIT:

Supervisor Taxpayer Service Section  
Supervisor Technical Asst. Section - Bureau of Relocation  
Supervisor Traffic Investigations  
Supervisor Uniform Commercial Code Section  
Supervisor Winner Selection & Notification State Lottery  
Technical Asst. Motor Pool  
Technical Asst. - Taxation  
Technical Operations - Coordinator B.A.  
Title Officer II  
Transmitter Engineer Supv. - P.B.A.

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# NOTICE OF ELECTION

## ATTACHMENT

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### TITLES VOTING SUBJECT TO CHALLENGE

Assistant Chief Administrative Services Pensions  
Assistant Director of Nursing  
Assistant Director of Nursing, Glen Gardner  
Assistant Supervisor of Warehouses  
Chief Appraisal Section  
Chief Assistant Section Local Property Tax  
Chief Security Officer  
Coordinator Veterinary Public Health Program  
Disability Insurance Supervisor  
District Supervisor, Electrical  
District Supervisor Labor & Industry  
Engineer in Charge Maintenance II  
Local Administrator Medical Assistance & Health Service  
Master Mechanic  
Mgr. 1 Vocational Rehabilitation Service  
Project Coordinator Food & Milk Program  
Project Director Food & Drug Administration  
Section Supervisor Planning  
State Coordinator Accident & Poison Control Program  
Supervising Architect Health Facilities  
Supervising Community Program Analyst  
Supervising Community Service Officer Model Cities  
Supervising Manpower Specialist  
Supervising Program Development Specialist  
Supervising Environmental Engineer  
Supervisor Central I. D. Section  
Supervisor of Construction, Maintenance, Roads  
Supervisor of Field Rep. Public Advocate  
Supervisor of Highway Safety, Planning