

D.R. NO. 92-26

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

In the Matter of

CITY OF LINWOOD,

Public Employer,

-and-

Docket No. RO-92-128

SOUTH JERSEY SUPERIOR
OFFICERS ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation orders an election among the unrepresented police lieutenant and captain employed by the City of Linwood. The City already negotiates with a unit of patrol officers and sergeants. The City refused to consent to an election.

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Appearances:

For the Public Employer
Megargee, Youngblood, Franklin & Corcoran, attorneys
(Joseph L. Youngblood, of counsel)

For the Petitioner
John Coyle, President

DECISION AND DIRECTION OF ELECTION

On January 6, 1992, the South Jersey Superior Officers Association ("Association") filed a petition for certification of representative seeking to represent two superior officers employed by the City of Linwood ("City"). The petition was accompanied by an adequate showing of interest. The two officers, a captain and a lieutenant, are currently unrepresented.

The City does not consent to an election.^{1/}

On March 12, 1992, I issued a tentative decision ordering an election in the petitioned-for unit.

Linwood currently has 11 patrol officers and 4 sergeants in one negotiations unit. The most recent negotiations agreement between the City and PBA Local 77 extended from January 1, 1990 through December 31, 1991. Topping the organizational pyramid are the petitioning lieutenant and captain, and they are succeeded by the Chief.

The Association has filed a certification stating that it shall act as a separate organization from any other employee organization representing non-supervisory police officers and that it will control negotiations for the superior officers.

The Commission has certified numerous units of superior officers. The City has asserted no reasons why the proposed unit is inappropriate. Accordingly, I direct a mail ballot election in the following unit:

Included: All police lieutenants and captains employed by the City of Linwood.

Excluded: All police sergeants and patrol officers, the Chief of Police, non-police employees, craft employees, firefighters, confidential employees and managerial executives within the meaning of the Act.

^{1/} The City expressed some interest in formally recognizing the petitioned-for unit under conditions which were agreeable to the Association. The City requested and was granted extensions of time in which to reach a decision on this matter. On or about March 2, 1992, the City declined to recognize the Association as the majority representative of the superior officers.

The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the 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 public employer is directed to file with us an eligibility list consisting of an alphabetical listing of the names of all eligible voters in the units, together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

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

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: April 1, 1992
Trenton, New Jersey