

D.R. NO. 82-30

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

In the Matter of

MONROE TOWNSHIP PUBLIC LIBRARY,

Public Employer,

-and-

DOCKET NO. RO-82-70

UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCAL #1360, AFL-CIO,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, and in the absence of substantial and material factual issues, directs a secret ballot representation election among professional and non-professional library employees. The library did not object to an election. The director orders a professional option election for the professional library staff.

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Appearances:

For the Public Employer

Mary A. Cropper, President, Board of Trustees

For the Petitioner

Donato Marchione, Organizer, United Food and
Commercial Workers Union, Local #1360, AFL-CIO

DECISION AND DIRECTION OF ELECTION

On October 8, 1981, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by the United Food and Commercial Workers Union, Local #1360, AFL-CIO ("Local 1360") seeking a collective negotiations unit consisting of all regular full-time and part-time library personnel of the Monroe Township Public Library (the "Library").

In accordance with N.J.A.C. 19:11-2.6, the undersigned has caused an administrative investigation to be conducted into matters and allegations involved in the Petition in order to determine the facts.

Based upon the investigation to date, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based on 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. 19:11-2.6(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 Board of Trustees of the Monroe Township Public Library is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this Petition and is subject to the provisions of the Act.

3. United Food and Commercial Workers Union, Local #1360, AFL-CIO is an employee representative within the meaning of the Act and is subject to its provisions.

4. Local 1360 has filed a Petition for Certification of Public Employee Representative for a collective negotiations unit consisting of all regular full-time and part-time library personnel, including nonprofessional and professional employees.

5. The Library initially declined to consent to an election. However, it does not dispute the appropriateness of the proposed unit.

6. In response to a letter dated November 9, 1981, indicating the intent of the undersigned to order an election based upon

the administrative investigation, the Library has advised that it has no objection to a secret ballot election to be conducted by the Commission. However, the Library has declined to execute an agreement for consent election. Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein pursuant to N.J.A.C. 19:11-2.6(b)(3). Therefore the undersigned finds the appropriate unit for collective negotiations is: all regular full-time and part-time professional and nonprofessional employees, excluding managerial executives, confidential employees, craft employees and supervisors within the meaning of the Act.

Since it appears that a valid question concerning representation exists in an appropriate unit, pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. Professional employees shall exercise a "professional option" as mandated by N.J.S.A. 34:13A-6(d). The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees described 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. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who resigned or were discharged for cause since the desig-

nated 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 Library is directed to file with the undersigned and with Local 1360 an election eligibility list consisting of an alphabetical listing of the names of all professional and nonprofessional eligible voters together with their last known mailing address 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 of the election. A copy of the eligibility list shall be simultaneously filed with Local 1360 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.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by United Food and Commercial Workers Union, Local #1360, AFL-CIO. The election directed herein shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Carl Kurtzman, Director

DATED: December 18, 1981
Trenton, New Jersey