

E.D. NO. 58

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RINGWOOD,

Public Employer,

-and-

TEAMSTERS LOCAL 286, I.B.T.C.W.H.A.,
Petitioner,

Docket No. RO-884

-and-

COUNCIL 52, A.F.S.C.M.E., AFL-CIO,
Intervenor.

SYNOPSIS

In the absence of disputed factual issues, the Executive Director directs an election in a unit of municipal blue and white collar employees on the basis of an administrative investigation. Although the public employer would consent to an election, the incumbent employee organization would not. The incumbent indicated a desire to "clarify questions concerning the bargaining unit", but did not expand upon this statement.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF RINGWOOD,

Public Employer,

-and-

TEAMSTERS LOCAL 286, I.B.T.C.W.H.A.,
Petitioner,

Docket No. RO-884

-and-

COUNCIL 52, A.F.S.C.M.E., AFL-CIO,
Intervenor.

DECISION AND DIRECTION OF ELECTION

A Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission on September 16, 1974 by Teamsters Local 286, I.B.T.C.W.H.A. (the "Teamsters") with respect to a unit of essentially all blue and white collar employees employed by the Borough of Ringwood (the "Borough").^{1/} Intervenor status has been granted to Council 52, A.F.S.C.M.E., AFL-CIO ("AFSCME") on the basis of a two-year collective negotiations agreement between the Borough and AFSCME which by its terms expires December 31, 1974.^{2/} The undersigned

1/ The unit claimed to be appropriate is described in the Petition as follows: "Included: All Blue Collar employees - (Laborers-Heavy) Truck Drivers - Sanitation Drivers - (Equipment operators-Heavy) Maintenance Workers - Mechanics. All clericals and Dispatchers. Excluded: Elected and Supervisors - meaning of the Act."

2/ The Petition was timely filed within 90 and 120 days prior to the December 31, 1974 expiration date. Rule Section 19:11-1.15 (c) (2).

has caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. All parties have been advised of their obligation under Rule Section 19:11-1.12, and have been afforded an opportunity thereunder, to present to the undersigned documentary and other evidence, as well as statements of position, relating to the Petition. 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 to the undersigned that no substantial and material factual issues exist which may more appropriately be resolved after a hearing. Pursuant to Rule Section 19:11-1.12(c), 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 Ringwood is a public employer within the meaning of the Act and is subject to its provisions.

3. Teamsters Local 286, I.B.T.C.W.H.A., and Council 52, A.F.S.C.M.E., AFL-CIO, are employee representatives within the meaning of the Act and are subject to its provisions.

4. The Borough has indicated in writing that the employees described in the Petition are the same employees currently represented by, and covered by the current collective negotiations agreement with AFSCME and that it will consent to a secret ballot election. AFSCME, however, has indicated in writing that it will not consent to a secret ballot election. Accordingly, a question concerning the representation of public employees exists and this

matter is properly before the undersigned for determination.

5. The blue and white collar unit sought by the Teamsters is prima facie appropriate for the purpose of collective negotiations. No specific contention to the contrary has been advanced by any party, although in expressing its unwillingness to consent to an election AFSCME has stated generally that it seeks to "clarify questions concerning the bargaining unit." Although afforded an opportunity to proffer evidence and/or statements of position with respect to this and all other issues relevant to the Petition, AFSCME has not expanded upon the foregoing. Accordingly, the undersigned shall direct an election in the following appropriate unit: "All blue and white collar employees employed by the Borough of Ringwood, excluding managerial executives, supervisors, confidential employees, professional employees, craft employees, and policemen within the meaning of the Act."

6. The undersigned directs that a secret-ballot election be conducted in the unit found appropriate. The election shall be conducted no later than thirty (30) days from the date set forth below.

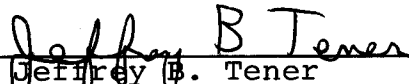
Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. The Commission requires the submission of an alphabetical list of all eligible voters along with their job titles at least seven

days prior to the election. Accordingly, the public employer is hereby directed to submit such list to the Executive Director and to the employee organizations which will appear on the ballot as set forth below. Employees must appear in person at the polls in order to be eligible to vote. 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.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by Teamsters Local 286, I.B.T.C.W.H.A., Council 52, A.F.S.C.M.E., AFL-CIO, or Neither.

The majority representative shall be determined by a majority of the valid ballots cast. The election directed herein shall be conducted in accordance with the provisions of the Commission's Rules and Regulations and Statement of Procedure.

BY ORDER OF THE EXECUTIVE DIRECTOR



Jeffrey B. Tener
Acting Executive Director

DATED: Trenton, New Jersey
December 10, 1974