

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

In the Matter of

BOROUGH OF RUNNEMEDE,

Public Employer,

-and-

DOCKET NO. RO-83-15

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

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs an election among all regular full time and part time blue collar employees in the Highway Department of the Borough of Runnemede for the purpose of ascertaining whether these employees desire to be represented for the purpose of collective negotiations by United Food and Commercial Workers Union, Local 1360, AFL-CIO. The Borough, which has neither objected to nor consented to an election does not dispute the appropriateness of the proposed unit. The Director concludes that there are no substantial and material factual issues in dispute and that the unit is prima facie appropriate.

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Appearances:

For the Public Employer
David L. Venella, Mayor

For the Petitioner
Tomar, Parks, Seliger, Simonoff & Adourian
(Mary L. Crangle of Counsel)

DECISION AND DIRECTION OF ELECTION

On August 19, 1982, a Petition for Certification of Public Employee Representative, accompanied 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") with respect to all regular full and part time employees of the Highway Department employed by the Borough of Runnemede (the "Borough"). The undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in the Petition in order to determine the facts.

On the basis of the administrative 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. 19:11-2.6(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 Borough of Runnemede 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 the Petition, and is subject to the provisions of the Act.

3. The 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 seeking to represent a collective negotiations unit of all regular nonsupervisory full and part time employees in the Borough's Highway Department and agrees to a secret ballot election to be conducted among those employees.

5. The Borough has neither objected nor consented to an election. However, it has not indicated a willingness to enter into a consent election agreement. It does not dispute the appropriateness of the proposed unit.

6. Accordingly, a Petition for Certification has been filed. There is no agreement for consent election and the matter is properly before the undersigned for determination.

7. On September 10, 1982 the undersigned advised the parties that the unit was prima facie appropriate for the purpose of collective negotiations and indicated an intent to direct a secret ballot election among employees. An additional period of time was provided to the Borough for the presentation of any evidentiary proffer or statement of position which might raise substantial and material disputed factual issues. On September 20, 1982, the Borough's attorney filed a statement indicating his expectation that no additional information or objections to an election would be forthcoming.

Accordingly, there being no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the dispute in this matter is properly based upon the administrative investigation herein. Therefore, the undersigned finds the appropriate unit for collective negotiations is: all regular full time and part time blue collar employees in the Highway Department of the Borough of Runnemede, but excluding managerial executives, confidential employees, craft employees, professional employees, police and supervisors within the meaning of the Act.

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. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the 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

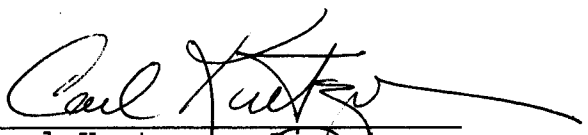
off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to N.J.A.C. 19:11-9.6, the Borough is directed to file with the undersigned and Local #1360, 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. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the election. A copy of the eligibility list shall be simultaneously filed with Local #1360 with 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 employees eligible to vote shall vote on whether or not they desire to be represented by United Food and Commercial Workers Union, Local #1360, AFL-CIO.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. 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
of Representation

DATED: September 24, 1982
Trenton, New Jersey