

D.R. No. 2005-13

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

In the Matter of

TOWNSHIP OF TEANECK,

Public Employer,

-and-

Docket No. AC-2005-3

TEANECK PUBLIC WORKERS ASSOCIATION,

Petitioner.

**SYNOPSIS**

The Director of Representation amends a Certification of Representative of the Teaneck Public Workers Association to reflect its disaffiliation with New Jersey Employee Labor Union, Local 1 and simultaneously record its affiliation with United Public Service Employees Union. The petitioner met all of the requirements for amendment of certification, specifically: advance notice of a secret ballot election; a majority voted in favor of the disaffiliation/affiliation; the continuity of the certified representative's officers and the unit structure; and adequate due process afforded to the membership. The Township and the certified representative do not object to the petition.

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Appearances:

For the Public Employer,  
Helene Fall, Municipal Manager

For the Petitioner,  
Sal Tumminello, President

DECISION

On December 15, 2004, Teaneck Public Workers Association, Inc. filed an amendment of certification petition with the Public Employment Relations Commission (Commission) seeking to amend a certification of representative to record its disaffiliation with New Jersey Employee Labor Union, Local 1 (NJELU) and simultaneously record its affiliation with United Public Service Employees Union (UPSEU).

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. Neither the public employer, the Township of Teaneck (Township), nor the certified representative, NJELU opposed the petition.

I make the following:

**FINDINGS OF FACT**

On March 13, 2001, the Commission certified the Teaneck Public Workers Association, Inc. (Association) as the exclusive representative of a unit of all regularly employed blue-collar employees employed by the Township of Teaneck in its Department of Public Works, including the following: building maintenance worker, building service worker, compactor truck driver, electrician, electrician helper, equipment operator, garage attendant, gardener, inventory control clerk, laborer, maintenance repairer, mechanic, mechanic helper, motor broom driver, senior building maintenance worker, senior gardener, senior maintenance repairer (carpenter, painter, plumber), senior sewer repairer, tree climber and truck driver.

On April 26, 2004, the Director amended the Association's certification to record its December 2003 affiliation with New Jersey Employees Labor Union, Local One, U.S.W., I.U.J.A.T., AFL-CIO. Teaneck Tp., D.R. No. 2004-19, 30 NJPER 175 (¶66 2004)

Sal Tuminello is the Association president. Tuminello submitted an affidavit certifying that the membership of the Association were given two weeks written notice of the disaffiliation/affiliation vote. Specifically, on November 4, 2004, the Association posted notices at the Township workplace time clock advising the Association members of a November 18, 2004 election to determine whether the Association should disaffiliate from NJELU and/or affiliate with UPSEU.

Tumminello also certified that the election was conducted by secret ballot and the Association's membership voted 35 to 1 to disaffiliate from NJELU. The membership further voted unanimously, 36 to 0, for the proposed affiliation with UPSEU.

Tumminello also affirms that the Association's officers and unit structure will not change as a result of its affiliation with UPSEU.

On January 31, 2005, after having received the above referenced affidavits, we advised the Township about the proposed amendment. By letter dated February 7, 2005, the Township responded without objection to the petition.

On February 10, 2005, we provided NJELU President Debra Romano with a copy of the Association's petition and supporting affidavits and advised NJELU that, absent objection, we intend to grant the amendment of certification. NJELU did not oppose the proposed amendment to the certification.

#### ANALYSIS

The Commission's rules establish procedures for amending certifications and our case law establishes the standards for granting such petitions. N.J.A.C. 19:11-1.6; County of Union, D.R. No. 2005-7, 30 NJPER 496 (¶169 2004); Parsippany-Troy Hills Twp., D.R. No. 94-20, 20 NJPER 280 (¶25079 1994), req. for rev. denied P.E.R.C. No. 94-119; 20 NJPER 279 (¶25141 1994); Cape May Assignment Judge, et al., P.E.R.C. 85-60, 11 NJPER 91 (¶16039 1985). N.J.A.C. 19:11-1.6(c) requires such a petition be

supported by an affidavit attesting that the membership of the certified employee representative voted in favor of the change in name and affiliation. Such affidavit shall specify that:

1. The membership was given advance notice of the election;
2. The election was conducted by secret ballot;
3. A majority voted in favor of the change in name and affiliation; and
4. The organization's officers and the unit structure remain unchanged.

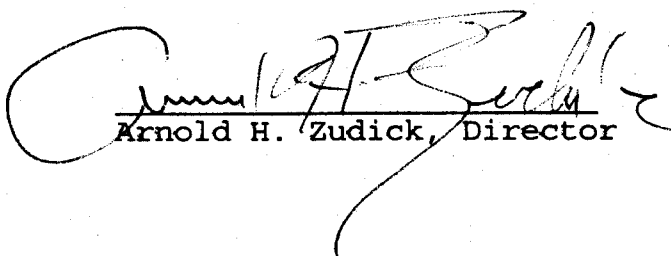
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, an opportunity to discuss the affiliation prior to the vote, and the chance to participate in the affiliation election. Township of Middletown, et al., P.E.R.C. No. 2000-47, 26 NJPER 59, 60 (¶31020 1999); Parsippany Troy Hills Tp., 20 NJPER at 280; No. Hudson Reg. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000).

The amendment of certification is essentially used to record a name change in the exclusive representative. The record shows that the Petitioner has met all of the requirements for amendment of certification and has afforded the membership of the certified representative with adequate due process. There was appropriate

advance notice of the election to permit members the opportunity to discuss the issue prior to the vote and, subsequently, members were allowed to participate in a secret ballot election on the proposed disaffiliation/affiliation. Further, the Association's officers and the structure of the negotiations unit have remained unchanged since the Association's affiliation with UPSEU. The Township and NJELU do not oppose the proposed amendment.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Teaneck Public Workers Association, Inc., affiliated with United Public Service Employees Union.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: March 7, 2005  
Trenton, New Jersey

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by March 21, 2005.