

D.R. No. 2006-2

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

In the Matter of

CITY OF ATLANTIC CITY,

Public Employer,

-and-

Docket No. AC-2005-004

AFSCME COUNCIL 71, LOCAL 2303,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative of the Atlantic City Beach Patrol Benevolent Organization, Inc., to reflect its affiliation with AFSCME Council 71, Local 2303. The petitioner met all requirements for amendment of certification, specifically; advance notice of a secret ballot election; a majority voted in favor of the affiliation; the continuity of the certified representative's officers and the unit structure ; and adequate due process afforded to the membership. The City did not object to the petition.

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Appearances:

For the Public Employer,
M. Susan Sheppard, Assistant City Solicitor

For the Petitioner,
Susan Owen, Staff Representative

DECISION

On February 9, 2005, the Atlantic City Beach Patrol Benevolent Organization, Inc. filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission) seeking to amend its certification of representative to record its affiliation with AFSCME Council 71, Local 2303.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the City of Atlantic City (City), did not oppose the petition.

I make the following:

FINDINGS OF FACT

On July 30, 1985, the Commission certified the Atlantic City Beach Patrol Benevolent Organization, Inc. (Organization) as the exclusive representative of a unit of all regularly employed life guards employed by the City of Atlantic City. The unit is composed of approximately nine (9) full-time and one hundred thirty (130) seasonal employees.

Susan Owen, staff representative for AFSCME Council 71, submitted a certification stating that the Organization President, Eric Grace, and its Executive Board sent three individual notices by mail notifying the membership of meetings scheduled to discuss the affiliation with AFSCME. The meetings were held on December 17, 2004, January 3, 2005, and January 7, 2005.

Owen also certified that the election was conducted by secret ballot at the January 7, 2005 membership meeting. 19 ballots were cast; 18 ballots in favor of affiliation with AFSCME and 1 ballot against affiliation with AFSCME. Owen also affirms that the Organization's officers and unit structure remain unchanged since its affiliation with AFSCME, and that the Organization consents to the affiliation.

On February 25, 2005, after having received the above referenced certification, we advised the City about the proposed

amendment. By letter dated March 18, 2005, the City advised that it has no objection to the petition.

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 here 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 Organization's officers and the structure of the negotiations unit have remained unchanged since the Organization's affiliation with AFSCME. Neither the City nor the Organization oppose the proposed amendment.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now

AFSCME Atlantic City Beach Patrol Benevolent Organization, Local
2303C.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: August 8, 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 August 22, 2005.