

D.R. No. 2006-13

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

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Public Employer,

-and-

Docket No. AC-2006-5

IFPTE LOCAL 193B,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative to reflect IFPTE Local 193B's affiliation with IFPTE Local 196, resulting in a name change to IFPTE Local 196, Chapter 12. The Director finds that the petitioner has complied with the requirements set forth in N.J.A.C. 19:11-1.6. The Certification of Representative is amended to reflect the name change of the majority representative as IFPTE Local 196, Chapter 12.

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Appearances:

For the Public Employer,
Genova, Burns and Vernioia, attorneys
(Brian W. Kronick, of counsel)

For the Petitioner,
Mets and Schiro, attorneys
(Leonard C. Schiro, of counsel)

DECISION

On December 23, 2005, IFPTE Local 193B (193B) filed an Amendment of Certification petition with the Public Employment Relations Commission (Commission) pursuant to N.J.A.C. 19:11-1.6. 193B seeks to amend its Certification of Representative to reflect its affiliation with IFPTE Local 196 (196), resulting in a name change to IFPTE Local 196, Chapter 12.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the New Jersey Turnpike Authority (NJTPA), does not oppose the petition.

There are no substantial, material facts in dispute which would require a hearing. N.J.A.C. 19:11-2.6(c)(5).

I make the following:

FINDINGS OF FACT

On December 10, 1992, the Commission certified Local 193B as the exclusive representative of a negotiations unit of all craft employees employed by the New Jersey Highway Authority (NJHA) (Commission Docket No. RO-93-53). IFPTE Local 196 represents certain employees of the NJTPA. In 2003, all the duties, obligations and powers of the NJHA to operate the Garden State Parkway were transferred to the NJTPA. IFPTE Local 193B now seeks to amend its Certification of Representative to reflect a name change from IFPTE Local 193B to IFPTE Local 196, Chapter 12.

Anthony Susino is Local 193B's President. Susino submitted an affidavit that the membership of the Association was given at least two weeks written notice of the merger vote. Specifically, by way of notice dated November 23, 2005, Local 193B members were advised of a December 7, 2005 meeting and election to determine whether 193B should merge with Local 196.

Susino also certified that the election was conducted by secret ballot and that of 193B's seventy (70) members, sixty-four (64) voted unanimously in favor of the merger. The Petitioner

provided a copy of the secret ballot on January 12, 2006.^{1/}

Susino also affirms that Local 193B's officers remain unchanged as a result of its affiliation with Local 196, and it will become a separate chapter of Local 196. The negotiations unit of craft employees will remain intact.

On January 9, 2006, we advised the NJTPA about the proposed amendment. The NJTPA did not object 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 record shows that Local 193B's initial submission of the petition did not include a copy of the ballot in support of its affidavit attesting to a secret ballot election. Our rules specifically require "an attached copy of the ballot." N.J.A.C. 19:11-1.6(c). At our request, Local 193B submitted a copy of the ballot used in the affiliation election on January 12, 2006.

1. The membership was given advance and adequate notice of the election, as evidenced by an attached copy of a notice of election and a statement of the date of the notice and the manner in which it was provided to members;
2. The election was conducted by secret ballot, as evidenced by an attached copy of the ballot, and was held within six months of the filing of the petition;
3. A majority voted in favor of the change in name and affiliation, as evidenced by a document setting forth the results; and
4. The organization's officers and the unit structure remain unchanged.

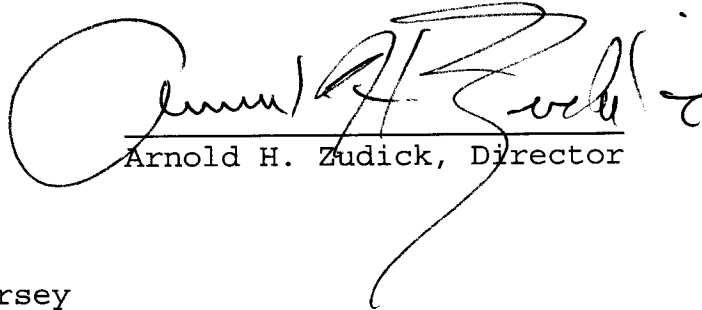
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, an opportunity to discuss the affiliation prior to the vote, and the chance to participate in the affiliation election. No. Hudson Reg. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000); 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.

I am satisfied that the Petitioner has met all of the requirements for amendment of certification and has afforded its members 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 merger. Further, Local 193B's officers and the structure of the negotiations unit have remained unchanged since the name change to 196.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now IFPTE Local 196, Chapter 12.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: March 9, 2006
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 22, 2006.