

D.R. NO. 2007-4

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

In the Matter of

CITY OF PLAINFIELD,

Public Employer,

-and-

Docket No. AC-2007-1

LOCAL 255, UNITED SERVICE
WORKERS UNION, IUJAT,

Petitioner.

SYNOPSIS

Having satisfied the requirements of N.J.A.C. 19:11-1.6, the Director of Representation approves the amendment of certification filed by Local 255, United Service Workers Union, IUJAT. The certification of representative is amended to reflect that the exclusive majority representative is Plainfield Public Works Employees Association, Local 255, United Service Workers Union, IUJAT.

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Appearances:

For the Public Employer,
Carlton McGee, Administrator

For the Petitioner,
Richard M. Greenspan, Esq.

DECISION

On August 29, 2006, Local 255, United Service Workers Union, IUJAT (Local 255), filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission) seeking to amend the certification of representative of the Plainfield Public Works Employees Association (P.P.W.E.A.), to record their affiliation and change the organization's name to Local 255, United Service Workers Union, IUJAT.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. On September 5, 2006, I requested that the City of Plainfield, the public employer,

advise me of its position to the proposed amendment. The City did not oppose the petition.

I make the following:

FINDINGS OF FACT

On June 16, 2005, the Commission certified the Plainfield Public Works Employees Association (P.P.W.E.A.) as the exclusive representative of a unit of all regularly employed civilian employees of the Recreation, Police and Public Works Division of the City of Plainfield. The unit is comprised of approximately thirty-four (34) employees.

Carmen Louise, President of the P.P.W.E.A. submitted an affidavit stating that on June 15, 2006 he posted on the employee bulletin board in the workplace and hand distributed notices to members of a special membership meeting to vote on whether to affiliate the P.P.W.E.A. with Local 255, United Service Workers Union, IUJAT. The vote was scheduled to be held two weeks later, on June 29, 2006.

In his affidavit, Louise represented further that the election was conducted by secret ballot on June 29, 2006 at the special membership meeting. The result of the vote was 26 ballots were cast in favor of affiliating with Local 255 and 0 ballots were cast against the affiliation. Louise also affirms that the composition and approximate size of the negotiations unit has continued unchanged since the affiliation vote, the

officers of the organization remain unchanged and that the P.P.W.E.A. does not object to the affiliation and name change.

On September 5, 2006, after having received the amendment of certification petition and supporting documents, I advised the City about the proposed amendment and requested its position. The City has not responded to my September 5, 2006 letter.

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. No. 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.

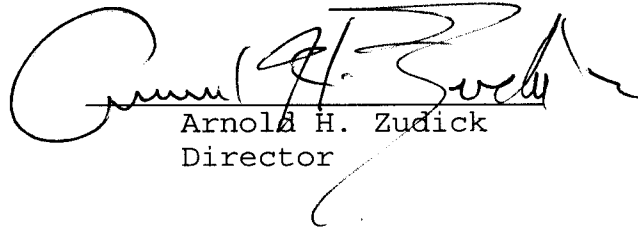
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, 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, but cannot be used to eliminate the name of the certified representative and completely replace it with another name. 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 affiliation. Further, the organization's officers and the structure of the negotiations unit have remained unchanged

since P.P.W.E.A.'s affiliation with Local 255. Neither the City nor P.P.W.E.A. oppose the proposed amendment.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now Plainfield Public Works Employees Association Local 255, United Service Workers Union, IUJAT.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick
Director

DATED: September 27, 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 October 10, 2006.