

D.R. No. 2012-2

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

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

Docket No. AC-2011-1

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION
NO. 30,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative to change the name of the certified majority representative from IBEW to IBEW Local 30. 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 majority representative as IBEW Local 30.

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Appearances:

For the Public Employer,
David A. Cohen, Director
(Yvonne D. Catley, Deputy Director)

For the Petitioner,
Sherman, Dunn, Cohen, Leifer & Yellig, P.C., attorneys
(Nora H. Leyland, of counsel)

DECISION

On June 13, 2011, the International Brotherhood of Electrical Workers, Local Union No. 30 (IBEW Local 30) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission). N.J.A.C. 19:11-1.6. IBEW Local 30 seeks to amend its Certification of Representative to reflect IBEW Local 30, rather than International Brotherhood of Electrical Workers (IBEW) as the majority representative.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the

State of New Jersey (State), 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 8, 2010, in RO-2010-068, I issued a Certification of Representative Based Upon Authorization Cards to the International Brotherhood of Electrical Workers (IBEW), as the exclusive representative of all managers employed by the State of New Jersey with "M" Employee Relations Group titles, with certain exclusions. The representation petition was filed by the International Brotherhood of Electrical Workers, with authorization cards providing that the employee was choosing representation by "a local union of the International Brotherhood of Electrical Workers." IBEW Local 30 seeks to amend the certification to designate it as the majority representative.

The Association has submitted an affidavit of its attorney, Nora Leyland, detailing the procedures it followed concerning the name change:

1. On April 8, 2011, IBEW Local 30 sent notice of the election to amend certification, by regular mail, to the 898 bargaining unit members on a list provided by the State on February 25, 2011. The Notice specified that in-person voting would take place on four dates and at specified locations between

May 3 and May 10, 2011. At the request of unit members, IBEW Local 30 sent out a Notice of Additional Opportunity to Vote at a fifth location on May 25, 2011.

2. At each of the specified times and places, unit members were given the opportunity to discuss, and then vote on, by secret ballot, the question of amendment of certification. IBEW Local 30 used a check-off procedure to ensure that each member was permitted to cast only one vote, and it sealed the ballot box between voting sessions.

3. The election was conducted by secret ballot among 898 eligible voters. The tally showed that 171 ballots were cast. 163 voted in favor of the amendment of certification, and none voted against the amendment. 8 ballots were challenged and remain under seal.

3. The officers and unit structure have remained unchanged since the certification and vote to amend the certification.

On June 20, 2011, having received the affidavit referenced above, we advised the State about the proposed amendment. The State 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 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.

I am satisfied that the Petitioner has met all of the requirements for amendment of certification and has afforded its members adequate due process. Appropriate advanced notice of the election gave members an opportunity to discuss the issue before voting and they were allowed to participate in a secret ballot election on the proposed amendment of certification. IBEW's officers and the structure of the negotiations unit have remained unchanged as a result of the name change.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now IBEW Local 30.

BY ORDER OF THE DEPUTY
DIRECTOR OF REPRESENTATION


Jonathan Roth, Deputy Director

DATED: September 7, 2011
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 September 19, 2011.