

D.R. No. 2012-13

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

In the Matter of

COUNTY OF MIDDLESEX,

Public Employer,

-and-

Docket No. AC-2011-003

ASSOCIATION OF MIDDLESEX COUNTY
PLANNING BOARD PROFESSIONAL EMPLOYEES,

Petitioner.

SYNOPSIS

The Director of Representation grants an amendment of certification requested by the Association of Middlesex County Planning Board Professional Employees to change its name to the Association of Middlesex County Planning Professionals. The organization complied with the necessary requirements and the employer did not oppose the petition. Accordingly, the Certification of Representative is amended to reflect that the name of the exclusive representative of the unit is the Association of Middlesex County Planning Professionals.

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Appearances:

For the Public Employer,
Thomas F. Kelso, County Counsel
(Benjamin D. Leibowitz, Deputy County Counsel)

For the Petitioner,
Alex Zakrewsky, President

DECISION

On August 19, 2011, the Association of Middlesex County Planning Board Professional Employees (Petitioner) filed an Amendment of Certification Petition with the Public Employment Relations Commission. N.J.A.C. 19:11-1.6. The Petitioner seeks to amend its Certification of Representative to reflect a change in name to the Association of Middlesex County Planning Professionals.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the County of Middlesex, 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 April 29, 1980, in Docket No. RO-80-126, the Commission certified the Petitioner as the exclusive representative of the following unit:

Included: All nonsupervisory professional employees employed by the Middlesex County Board of Freeholders in the County Planning Board including principal planner-parks/recreation, assistant planner, senior planner-housing, senior landscape architect, senior planner-environmental, principal planner-environmental, planning aide, principal planner-comprehensive planning, principal planner, principal planner-transportation, senior planner, public transportation specialist, senior public transportation coordinator, planner trainee, principal planner-data management, principal public participation specialist, principal librarian, principal graphic artist, YACC project coordinator, chief landscape architect, research assistant, and principal planner-environmental/water.

Excluded: Managerial executives, confidential employees, craft employees, police and fire employees, non-professional employees, clerical employees and supervisory employees.

The Petitioner has submitted certifications from its President, Alex Zakrewsky, detailing the procedures it followed concerning the name change:

1. On or about June 1, 2011, the Petitioner's membership was verbally notified that a vote to change its name from the

Association of Middlesex County Planning Board Professional Employees to the Association of Middlesex County Planning Professionals would be held on June 27, 2011 at a specified time and location.

2. On June 27, 2011, an election was conducted by secret ballot regarding the proposed name change. Of the 11 employees in the Petitioner's unit, 10 voted in the election. The membership voted unanimously to change its name to the Association of Middlesex County Planning Professionals. The secret ballot vote held on this date took place within six months of the filing of the Amendment of Certification Petition.

3. The composition and approximate size of the negotiations unit represented by the Petitioner has continued unchanged since the vote in favor of changing its name to the Association of Middlesex County Planning Professionals.

4. The officers of the Petitioner remain unchanged since the vote in favor of changing its name to the Association of Middlesex County Planning Professionals.

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 that 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. The 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. Although the Petitioner did not provide advance written notice of the election, I find that the verbal notice of the election provided approximately 3.5 weeks in advance gave members sufficient opportunity to discuss the issue prior to the vote. Subsequently, members were allowed to participate in a secret ballot election on the proposed change in name. The vote was unanimous in favor of the change and only one

unit member was not present for the vote. Further, the Petitioner's officers and the structure of the negotiations unit have remained unchanged since the vote in favor of the name change.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Association of Middlesex County Planning Professionals.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION

Gayl R. Mazuco, Director

DATED: May 24, 2012
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 June 4, 2012.