

D.R. No. 2012-14

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

In the Matter of

TOWNSHIP OF JEFFERSON,

Public Employer,

-and-

Docket No. AC-2012-005

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 32,

Petitioner.

SYNOPSIS

The Director of Representation grants an amendment of certification requested by the Office and Professional Employees International Union, Local 32 to reflect its affiliation with International Association of Industrial Workers, Local 1. OPEIU Local 32 complied with the necessary requirements and the Township did not oppose the amendment. Accordingly, OPEIU Local 32 is the exclusive representative of the unit.

D.R. No. 2012-14

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

In the Matter of

TOWNSHIP OF JEFFERSON,

Public Employer,

-and-

Docket No. AC-2012-005

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 32,

Petitioner.

Appearances:

For the Respondent,
Township of Jefferson
(James Leach, Administrator)

For the Petitioner,
Mets, Schiro & McGovern, attorneys
(Kevin P. McGovern, of counsel)

DECISION

On April 27, 2012, the Office and Professional Employees International Union, Local 32 ("Local 32") filed an Amendment of Certification Petition with the Public Employment Relations Commission ("Commission"). N.J.A.C. 19:11-1.6. The Petitioner seeks to amend the Certification of Representative issued to the International Association of Industrial Workers, Local 1 ("Local

1") to reflect a change in name and affiliation^{1/} of Local 1 to Local 32.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer does not oppose the petition. There are no substantial and material facts in dispute which would require a hearing. N.J.A.C. 19:11-2.6(d)(5).

The following facts appear:

FINDINGS OF FACT

On November 7, 2005, the Commission certified Local 1 as the exclusive representative of a unit of all the Township of Jefferson's blue collar employees in the public works, utilities and recreation departments (Docket No. RO-2006-017).

The Petitioner submitted an affidavit dated April 26, 2012 from its attorney, Kevin P. McGovern, Esq., detailing the procedures it followed concerning the affiliation, as follows:

1. On February 15, 2012, the membership of Local 1 was sent a copy of a Notice of Membership Meeting to be held on February 22, 2012, for the purpose of conducting a vote on whether Local 1 should affiliate with Local 32. (Exhibit C and D, McGovern

^{1/} The Petition, although characterizing the proposed amendment as a merger, was treated as a request to affiliate Local 1 with Local 32. City of Englewood, D.R. No. 2007-5, 32 NJPER 308 (¶127 2006).

Affidavit). The notice was electronically mailed to each unit member and also posted.

2. At the February 22, 2012 membership meeting, the members voted by secret ballot to approve the affiliation of Local 1 with Local 32 by a vote of 15 in favor, and none opposed as evidenced by a document setting forth the results. (Exhibit B, McGovern Affidavit).

3. Copies of the ballots cast setting forth the vote made by each unit member were attached to the affidavit as Exhibit A.

4. The composition and approximate size of the negotiations unit has continued unchanged since the vote in favor of changing the name and affiliation of Local 1 to Local 32, and the organization's officers will remain unchanged.

5. On May 1, 2012, we advised the Township of Jefferson about the proposed amendment, and requested its position concerning the amendment. On May 15, 2012, the Township advised that it does not oppose 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. No. 85-60, 11 NJPER 91 (¶16039 1985). Pursuant to N.J.A.C. 19:11-1.6(c), such a petition must 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 the ballots which set forth the results; and

4. The organization's officers and the unit structure remain unchanged.

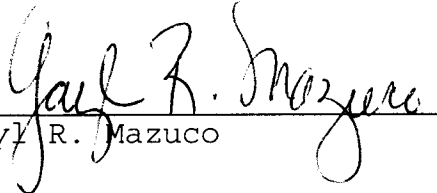
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, an opportunity to discuss the affiliation prior to the vote, and the chance to participate in the affiliation election. 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).

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, the officers and the structure of the Local 1 negotiations unit have remained unchanged since the name change to Local 32.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Office and Professional Employees International Union, Local 32.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Gay R. Mazuco

DATE: May 25, 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.