

D.R. NO. 79-26

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

In the Matter of

BOROUGH OF UPPER SADDLE RIVER,

Public Employer,

-and-

DOCKET NO. RO-79-153

NEW JERSEY ORGANIZING COMMITTEE,
SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation and in the absence of substantial and material factual issues, directs an election among the blue collar employees employed by the Department of Public Works of the Borough of Upper Saddle River to ascertain whether they desire to be represented by the Petitioner for the purpose of collective negotiations.

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

In the Matter of

BOROUGH OF UPPER SADDLE RIVER,

Public Employer,

-and-

DOCKET NO. RO-79-153

NEW JERSEY ORGANIZING COMMITTEE,
SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO,

Petitioner.

DECISION AND DIRECTION OF ELECTION

On December 22, 1978, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was timely filed with the Public Employment Relations Commission (the "Commission") by the New Jersey Organizing Committee, Service Employees International Union ("SEIU"), with respect to a proposed unit consisting of the employees of the Department of Public Works of the Borough of Upper Saddle River (the "Borough"). ^{1/} The undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in the Petition in order to determine the facts. All parties have been advised of their obligations under N.J.A.C. 19:11-2.6(a) and have been afforded an opportunity thereunder to present documentary and other evidence

1/ "Including: All members of the Department of Public Works.

Excluding: Office clericals, professionals, confidentials, supervisors and guards as excluded by the Act."

as well as statements of position, relating to the Petition. The Borough has certified that the Commission's standard Notice to Public Employees has been posted.

On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material disputed factual issues exist which may more appropriately be resolved at a hearing. Pursuant to N.J.A.C. 19:11-2.6(b), there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Borough of Upper Saddle River is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this Petition, and is subject to the provisions of the Act.

3. The New Jersey Organizing Committee, Service Employees International Union is an employee representative within the meaning of the Act and is subject to its provisions.

4. The SEIU has filed a Petition for Certification of Public Employee Representative seeking a prima facie appropriate unit of blue collar employees of the Department of Public Works of the Borough, excluding all police, craft employees, confidential employees, managerial executives, professionals and supervisors

within the meaning of the Act. The undersigned has determined that the employee showing of interest in support of the Petition is adequate. The SEIU seeks a secret ballot election among the petitioned-for employees.

5. The Borough does not dispute the appropriateness of the petitioned-for unit, and has not placed in dispute any substantial and material factual issues.

6. A Petition for Certification of Public Employee Representative having been filed, and there being no agreement for the conduct of a secret ballot election, a dispute exists, and the matter is appropriately before the undersigned for determination.

7. On March 9, 1979, the undersigned notified the parties that, based on the administrative investigation to date, it appeared that no substantial and material factual issues had been placed in dispute and that a valid question concerning representation existed in an appropriate unit. The undersigned provided an additional opportunity to all parties to present documentary and other evidence as well as statements of position relating to the Petition. The undersigned stated that in the absence of any substantial and material disputed factual issues, he would thereafter issue a decision and direction of election herein. No further evidentiary proffer or statements have been submitted by the parties.

Therefore, the undersigned determines that the unit petitioned-for, comprised of all blue collar employees employed by the Department of Public Works of the Borough, is a prima facie

appropriate collective negotiations unit and that a secret ballot election should be conducted to ascertain whether the individuals who comprise this proposed unit desire or do not desire to be represented by the SEIU.

Accordingly, there existing no substantial and factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein. Therefore, the undersigned finds that the appropriate unit for collective negotiations is all blue collar employees employed by the Department of Public Works of the Borough of Upper Saddle River, but excluding managerial executives, confidential employees, craft employees, professional employees, police and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for

cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to N.J.A.C. 19:11-9.6, the Public Employer is directed to file with the undersigned and with the SEIU an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed with the SEIU with statement of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by the New Jersey Organizing Committee, Service Employees International Union.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election directed herein shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: March 23, 1979
Trenton, New Jersey