

E.D. NO. 75

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF CAMDEN,

Public Employer,

and

CAMDEN COUNCIL NO. 10, N.J.C.S.A.,
Petitioner,

Docket No. RO-983

and

COUNCIL #71, A.F.S.C.M.E., AFL-CIO,
Intervenor.

SYNOPSIS

The Executive Director certifies the Petitioner as the majority representative of security guards employed by Camden County after dismissing objections to the election which were filed by the Intervenor. The objections were dismissed in the absence of probative evidence substantiating the objections.

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DECISION AND CERTIFICATION OF REPRESENTATIVE

Pursuant to an Agreement for Consent Election, a secret ballot election was held on May 20, 1975 for employees in an appropriate unit.^{1/} The tally of ballots reveals that of approximately 82 eligible voters, 43 cast ballots for Council No. 10, N.J.C.S.A., and four cast ballots for Council #71, A.F.S.C.M.E. There were no ballots cast against representation and there were 12 challenged ballots. The challenges are not sufficient in number to affect the results of the election.

Council #71, A.F.S.C.M.E., (Intervenor) filed timely objections to the election. A copy of these objections, in the form of a Mailgram dated May 27, 1975 and received May 28, 1975, is attached hereto and made a part hereof.

1/ As described in the Agreement for Consent Election, the appropriate negotiating unit included all security guards employed by the Camden County Board of Chosen Freeholders and excluded managerial executives, confidential employees, chief security guards, professional employees, craft employees, policemen, and supervisors within the meaning of the New Jersey Employer-Employee Relations Act.

In accordance with the provisions of the Agreement for Consent Election which was signed by both parties and approved by the undersigned^{2/} and in accordance with the Commission's Rules,^{3/} the undersigned has investigated the matter contained in the objections.

Neither the letter referred to at the start of the objections nor the brief which, according to the objections, would follow shortly, has been received.

Furthermore, by letter dated June 11, 1975, the Intervenor was advised that "...it is incumbent upon you to submit to the Commission Agent handling this matter probative evidence substantiating your objections within three working days after receipt of this letter; otherwise, the objections may be deemed lacking in merit and dismissed." To date, no response to this letter has been received and the objections remain unsubstantiated.

In addition to the aforementioned, the letter of the Commission of June 11, 1975, also stated that "...you should submit

^{2/} See Item 6 of Agreement for Consent Election, which states, in part: "The Executive Director shall conduct an investigation of the matters contained in the objections and shall, where appropriate, issue a notice of hearing designating a hearing officer to hear the matters alleged...The objection party shall bear burden of proof regarding all matters alleged in the objections... The method of investigation of objections and challenges, including the question of whether a hearing should be held in connection therewith, shall be a final administrative determination unless the Commission shall have granted a request for review." (Emphasis added)

^{3/} N.J.A.C. 19:11-2.4 provides that: "Where objections are filed..., the Executive Director shall conduct an investigation and shall, where appropriate, issue a notice of hearing.... The objecting party shall bear the burden of proof regarding all matters alleged in the objections...."

proof of simultaneous service upon the other parties in accordance with § 19:11-2.4(f) of the Rules and Regulations of the Commission." Such proof of service has not been submitted by the Intervenor, and during the investigation of this matter, it has been asserted that service of the objections was not, in fact, made on the other parties.

Based upon the above and in accordance with the policy of the Commission as announced in the State of New Jersey, et al., P.E.R.C. No. 76 (April 28, 1973)^{4/} the undersigned concludes that the objections filed herein should be, and are hereby, dismissed. Further withholding of certification in this matter when the objecting party has neither supplied probative evidence nor supplied proof of simultaneous service as required by the Commission's Rules would be unreasonable. Accordingly, the undersigned will certify the Petitioner.

CERTIFICATION OF REPRESENTATIVE

An election having been conducted in the above matter under the supervision of the undersigned in accordance with the


^{4/} At page 8, the Commission stated: "The Commission does not believe that the mere claim of objectionable conduct, unsupported in the investigative stage by any evidence should thereby entitle the objecting party to a hearing, or, alternatively, that a claim for which the evidence presented is found to be insufficient support for the objection, should create a right to a hearing. If there is to be protracted delay of the certification of the election's results, there should be some reasonable basis which would warrant such delay in the first instance. The Commission believes that the presentation of evidence raising substantial questions of fact is a reasonably imposed precondition to the holding of a hearing. The failure of the objecting party to satisfy such condition should permit the Commission to proceed to certify the outcome of the election." See also, Township of Stafford, E.D. #70 (April 14, 1975).

New Jersey Employer-Employee Relations Act, as amended, and Chapter 11 of the Commission's Rules and Regulations; and it appearing from the Tally of Ballots that an exclusive representative for collective negotiations has been selected:

Pursuant to authority vested in the undersigned, IT IS HEREBY CERTIFIED that Camden Council No. 10, N.J.C.S.A. has been designated and selected by a majority of the employees of the County of Camden in the unit of all security guards employed by the Camden County Board of Chosen Freeholders but excluding managerial executives, confidential employees, chief security guards, professional employees, craft employees, policemen, and supervisors within the meaning of the New Jersey Employer-Employee Relations Act, as their representative for the purposes of collective negotiations, and that pursuant to the New Jersey Employer-Employee Relations Act, as amended, the said representative is the exclusive representative of all the employees in such unit for the purposes of collective negotiations with respect to terms and conditions of employment. Pursuant to the Act, the said representative shall be responsible for representing the interests of all unit employees without discrimination and without regard to employee organization membership; the said representative and the above-named Public Employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment; when an agreement is reached it shall be embodied in writing and signed by the parties; and written policies setting forth grievance procedures shall be negotiated

and shall be included in any agreement.

BY ORDER OF THE EXECUTIVE DIRECTOR



Jeffrey B. Tener
Executive Director

DATED: Trenton, New Jersey
June 30, 1975