

D.R. NO. 85-7

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE ADMINISTRATOR OF REPRESENTATION PROCEEDINGS

In the Matter of

COUNTY OF HUDSON,

Public Employer,

-and-

DOCKET NO. RO-84-65

ASSOCIATION OF HUDSON COUNTY
NURSING SUPERVISORS, a/w DISTRICT
1199J, NUHHCE, RWDSU, AFL-CIO,

Employee Representative.

SYNOPSIS

The Administrator of Representation Proceedings dismisses election objections filed by the employer which relate to the appropriateness of permitting an 1199J affiliate to represent supervisors when another affiliate of 1199J represents nonsupervisory employees. The Administrator determines that the objections do not relate to the conduct of the election or conduct affecting the results of the election, as limited under N.J.A.C. 19:11-9.2(h).

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Appearances:

For the Public Employer
Murray & Granello, attorneys
(Robert T. Clarke of counsel)

For the Employee Representative
Oxfeld, Cohen & Blunda, attorneys
(Nancy Iris Oxfeld of counsel)

DECISION ON OBJECTIONS

Pursuant to a Decision and Direction of Election, D.R. No. 84-21, 10 NJPER 293 (¶ 15144 1984) and subsequent appeals, ^{1/} a mail ballot election was conducted among full time and regular

^{1/} Following the Administrator's Decision and Direction of Election, the Commission, in Hudson Cty. Bd. of Chosen Freeholders and Assn. of Hudson Cty. Nursing Supervisors, a/w Dist. 1199J, P.E.R.C. No. 84-131, 10 NJPER 320 (¶ 15153 1984), denied a Request for Review and a Motion to Stay the Election. The Appellate Division of the Superior Court thereafter, on June 7, 1984, denied a Motion for Leave to Appeal and a Stay (Dkt. AM-944-83T2; M-4331-83). The Supreme Court on June 12, 1984, denied the County's Motion for Leave to Appeal (M-946) and Stay of Election (M-947) "without prejudice to an appropriate application to PERC for a hearing in the event respondent is successful in the election on the ability of this union to represent nursing supervisors..."

part-time nursing supervisors employed by the Hudson County Board of Chosen Freeholders at Meadowview and Pollack Hospitals from June 22, 1984 through July 16, 1984, for the purpose of providing employees with an opportunity to designate as exclusive negotiations representative, the Association of Hudson County Nursing Supervisors, affiliated with District 1199J, NUHHCE, RWDSU, AFL-CIO or to choose no union. A majority of ballots was cast for the Association.

On July 20, 1984, the County of Hudson filed Election Objections, and a Brief in Support thereof on August 16, 1984. The Association submitted a letter statement dated August 8, 1984.

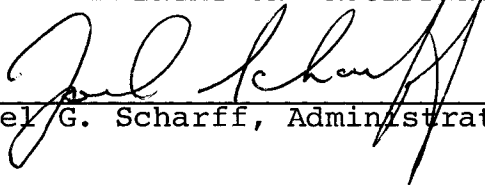
The objections relate to the appropriateness of permitting an affiliate of District 1199J to represent a unit of Nursing Supervisors when another District 1199J affiliate represents nonsupervisory employees. The objections do not relate to the conduct of the election or conduct affecting the results of the election, as limited under N.J.A.C. 19:11-9.2(h). Accordingly, the undersigned has no authority to issue a decision based upon Election Objections which raise issues outside the purview of N.J.A.C. 19:11-9.2(h). The issues presented now for review are matters that should have been presented to the undersigned prior to the above-referenced Decision and Direction of Election.

Moreover, under the Commission's decision in In re City of Camden, P.E.R.C. No. 82-89, 8 NJPER 226 (¶ 13094 1982), the Association, affiliated with District 1199J, is at present qualified to represent the employees who selected it as their

majority representative. It has submitted the necessary certification establishing that it has a valid organizational structure under N.J.S.A. 34:13A-5.3. Camden also held, however, that it is illegal for a certified majority representative of supervisory employees to allow nonsupervisory employees to dominate the supervisory employees' contract negotiations and administration. If such actual demonstration occurs, then the employer may file an unfair practice charge and the Commission will act promptly and thoroughly to halt that illegality. See also, Town of Kearny, P.E.R.C. No. 81-137, 7 NJPER 339 (¶ 12153 1981); cf. In re City of Camden, P.E.R.C. No. 81-139, 7 NJPER 345 (¶ 12155 1981). ^{2/}

Accordingly, the election objections filed in this matter are dismissed and the attached Certification is issued.

BY ORDER OF THE ADMINISTRATOR
OF REPRESENTATION PROCEEDINGS


Joel G. Scharff, Administrator

DATED: October 19, 1984
Trenton, New Jersey

^{2/} Commission rules permit applications for immediate interim relief pending the determination of an unfair practice charge. N.J.A.C. 19:14-9.1.



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NURSING SUPERVISORS, a/w DISTRICT
1199J, NUHHCE, RWDSU, AFL-CIO,

Petitioner.

CERTIFICATION OF REPRESENTATIVE

An election having been conducted in the above matter under the supervision of the undersigned in accordance with the 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; and no valid objections having been filed to the Tally of Ballots furnished to the parties, or to the conduct of the election, within the time provided therefore;

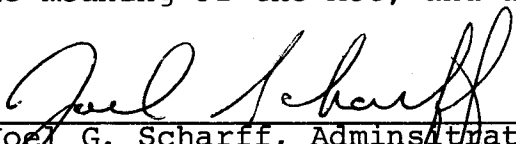
Pursuant to authority vested in the undersigned, IT IS HEREBY CERTIFIED that

Association of Hudson County Nursing Supervisors, a/w District 1199J,
NUHHCE, RWDSU, AFL-CIO

has been designated and selected by a majority of the employees of the above-named Public Employer, in the unit described below, 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.

UNIT: All full-time and regular part-time nursing supervisors employed by the County of Hudson at Meadowview Hospital and Pollack Hospital, but excluding guards, managerial employees, confidential employees, craft employees, police within the meaning of the Act, and all other employees.

DATED: Trenton, New Jersey
October 19, 1984


Joel G. Scharff, Administrator
of Representation Proceedings