

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

In the Matter of

COUNTY OF PASSAIC,

Public Employer,

-and-

DOCKET NO. RO-81-211

P.B.A. LOCAL 286, PASSAIC COUNTY  
SHERIFF'S DEPARTMENT,

Petitioner.

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COUNTY OF PASSAIC,

Public Employer,

-and-

DOCKET NO. RO-81-212

SUPERIOR OFFICERS UNIT, P.B.A. LOCAL 286,  
PASSAIC COUNTY SHERIFF'S DEPARTMENT,

Petitioner.

SYNOPSIS

In the absence of substantial and material factual issues in dispute, the Director of Representation orders elections to be conducted in two units of employees in the Identification Bureau of the Passaic County Sheriff's Department, on the basis of the administrative investigation.

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COUNTY OF PASSAIC,

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DOCKET NO. RO-81-212

SUPERIOR OFFICERS UNIT, P.B.A. LOCAL 286,  
PASSAIC COUNTY SHERIFF'S DEPARTMENT,

Petitioner.

Appearances:

For the County  
Nichola DiDonna, Asst. County Admin.

For the Petitioners  
John L. Smith, President

DECISION AND DIRECTION OF ELECTION

On April 10, 1981, Petitions for Certification of a Public Employee Representative, accompanied by adequate showings of interest, were filed by Local 286, Policemen's Benevolent Association (the "P.B.A."), each with respect to certain employees within the Identification Bureau of the Passaic County Sheriff's

Department. 1/ Subsequently, the P.B.A. amended its petition in the matter of RO-81-212, to reflect that the petitioner is "Superior Officers Unit, P.B.A. Local 286, Passaic County Sheriff's Department."

The undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in order to determine the facts.

On the basis of the administrative investigation the undersigned finds as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after an evidentiary 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 County of Passaic 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. P.B.A. Local 286 and P.B.A. Local 286, Superior

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1/ The petition docketed as RO-81-211 describes the unit sought as "All Identification Officers and Sheriff's Officers in full time employment at the Passaic County Bureau of Criminal Identification."; the petition docketed as RO-81-212 describes the unit sought as "Chief of the Passaic County Criminal ID Bureau, all full time supervisors in the title of Identification Officers and Sheriff's Officer (Sergeants, Captains, Lieutenants)."

Officers Unit are employee organizations within the meaning of the Act and are subject to its provisions.

4. The County has not taken a position with regard to the appropriateness of the petitioned-for units. During the investigation, the County did not respond to requests by the undersigned for statements of position, nor did the County participate in an informal conference convened by the assigned staff member.

5. On June 18, 1981, the undersigned advised the parties of the above findings and that, on the basis thereof, it appeared that the units were prima facie appropriate. The County was reminded of its obligation to present an evidentiary proffer pursuant to N.J.A.C. 19:11-2.6 which would raise substantial and material disputed factual issues, and in the absence thereof the undersigned would direct elections. No further submissions have been presented to the Commission.

Accordingly, the undersigned finds the following units appropriate: Voting Unit (1) all full time Identification Officers and Sheriff's Officers employed at the Passaic County Bureau of Criminal Identification, but excluding non-law enforcement personnel, the chief, managerial executives, confidential and craft employees, professional employees, all clericals, and supervisors within the meaning of the Act; Voting Unit (2) all full time supervisors in the title of Identification Officer or Sheriff's Officer (Sergeants, Captains and Lieutenants), and the Chief of the Passaic County Criminal Identification Bureau, but excluding all non-ranked, full time

Identification Officers and Sheriff's Officers, managerial executives, confidential and craft employees, clericals, non-law enforcement personnel and professional employees within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that elections be conducted among the employees described above. The elections 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 resigned 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, with P.B.A. Local 286 and with P.B.A. Local 286, Superior Officers Unit, the relevant election eligibility lists 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 lists must be received by the undersigned no later than ten (10) days prior to the election. A copy of the appropriate

eligibility list shall be simultaneously filed with P.B.A. Local 286 and with P.B.A. Local 286, Superior Officers Unit 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 employees eligible to vote in Voting Unit 1 shall vote on whether or not they desire to be represented for the purpose of collective negotiations by P.B.A. Local 286. Those employees eligible to vote in Voting Unit 2 shall vote on whether or not they wish to be represented by Superior Officers Unit, P.B.A. Local 286, Passaic County Sheriff's Department.

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: July 10, 1981  
Trenton, New Jersey