

D.R. NO. 78-48

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

In the Matter of

COUNTY OF MIDDLESEX,

Public Employer,

-and-

DOCKET NO. RO-78-115

COUNCIL #73, A.F.S.C.M.E.,  
AFL-CIO,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs an election among all professional employees employed by the Middlesex County CETA Division. The Petitioner filed a valid Petition for Certification of Public Employee Representative and the parties agree to the appropriateness of the unit.

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Appearances:

For the Public Employer  
Louis J. Alfonso, Assistant County Counsel

For the Petitioner  
Jack Merkel, Executive Director

DECISION AND DIRECTION OF ELECTION

On December 20, 1977, a Petition for Certification of Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by Council #73, American Federation of State, County and Municipal Employees, AFL-CIO ("Council #73") with respect to a unit of all employees employed by the County of Middlesex CETA Division (the "County").

The undersigned has caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. All parties were

advised of their obligations under the provisions of N.J.A.C. 19:11-2.6(a), and were afforded an opportunity thereunder to present documentary and other evidence, as well as statements of position relating to the Petition.

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 investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after 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 County of Middlesex is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., as amended (the "Act"), is the employer of the employees who are the subject of this proceeding, and is subject to the provisions of the Act.

3. Council #73, American Federation of State, County and Municipal Employees, AFL-CIO, is an employee representative within the meaning of the Act, and is subject to its provisions.

4. At informal conferences convened among the parties on March 17, 1978 and May 8, 1978, and attended by New Jersey Civil Service Association, Council #7, the majority representative of a countywide blue and white collar unit, Council #73 indicated

a desire to proceed to an election with respect to a unit limited to CETA professional non-supervisory employees. Council #73's request is supported by an adequate showing of interest. The County and Council #73 agreed to the appropriateness of the proposed unit and New Jersey Civil Service Association, Council #7 did not express opposition. Accordingly, Council #73 executed an Agreement for Consent Election in the professional unit. However, the County subsequently declined to execute an Agreement for Consent Election raising issues relevant to a proposed supervisors unit but unrelated to the instant proposed unit. The County requested resolution of these issues prior to any election.

5. At the informal conferences conducted on March 17, 1978 and May 8, 1978 and at all times thereafter, New Jersey Civil Service Association, Council #7 has not requested intervention in the proceedings involving the proposed professional unit.

6. On June 13, 1978, the undersigned notified all parties that on the basis of the 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. 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.

7. On June 26, 1978, the County filed a reply to the undersigned's letter, stating, "The County has no objection to an election being ordered in accordance with your letter of June 13th."

Accordingly, there existing no substantial and material factual issues in dispute which may be more appropriately 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 professional employees employed by the County of Middlesex CETA Division, but excluding all other employees including managerial executives, confidential employees, employees represented in other units, police employees, craft employees, 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 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.

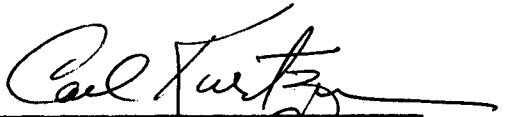
Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to N.J.A.C. 19:11-9.6, the County is directed to file with the undersigned and with Council #73 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 Council #73 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 whether or not they desire to be represented for the purposes of collective negotiations by the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME).

The exclusive representative shall be determined by a majority of the valid ballots cast. The election directed herein shall be conducted in accordance with the Commission's Rules.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: June 30, 1978  
Trenton, New Jersey