

E.D. NO. 76

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF LONG BEACH,
Public Employer,

and

Docket No. RO-994

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO,
Petitioner.

SYNOPSIS

The Executive Director directs an election in a unit of blue-collar employees of the Township of Long Beach in the absence of a dispute regarding substantial and material factual issues.

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DECISION AND DIRECTION OF ELECTION

On March 7, 1975 a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission by the Communications Workers of America, AFL-CIO (Petitioner) with respect to a unit of approximately 10 employees of the Township of Long Beach ("Township"). The employees sought are all the non-supervisory blue-collar employees employed by the Township of Long Beach.

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. Both parties have been advised of their obligation under Rule Section 19:11-1.12, and have been afforded an opportunity thereunder, to present to the undersigned 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 administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after a hearing. Pursuant to Rule Section 19:11-1.12(c), 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 Township of Long Beach is a public employer within the meaning of the New Jersey Employer-Employee Relations Act and is subject to its provisions.

3. Communications Workers of America, AFL-CIO is an employee representative within the meaning of the New Jersey Employer-Employee Relations Act and is subject to its provisions.

4. The Township of Long Beach refuses to recognize Communications Workers of America, AFL-CIO as the exclusive representative of certain Township employees. Accordingly, a question concerning the representation of public employees exists and this matter is properly before the undersigned for determination.

5. A review of the chronology of the instant matter shows:

(a) On March 26, the Mayor, Charles Goodman, wrote to this office that he was neutral regarding the entrance of the union and suggested that Commissioner James Mancini, Director of Public Works and Property, be contacted.

(b) Commissioner Mancini stated in a letter of April 18, 1975 that while he did not feel that unionization of the road department would serve the best interest of the employees or the taxpayers, he had advised the employees that the Public

Employment Relations Commission would probably set an election "to conclude the unionization proposal."

(c) On May 5, 1975, a letter was sent to this office by Robert Gasser, Esquire, questioning the employees sought by the petitioner, particularly in light of the fact that "the Road Department has a foreman and supervisors and relies heavily on seasonal type employment."

(d) The petitioner, in a letter dated June 9, 1975 indicated that the titles sought to be included in the proposed unit were truck drivers, laborers, light equipment operators, heavy equipment operators, mechanics, assistant foremen and foremen. Additionally, the letter indicated that seasonal employees were not to be included in the unit.

(e) The negotiating unit that is the subject of this Petition filed by Communications Workers of America, AFL-CIO is prima facie appropriate for the purpose of collective negotiations. The Township has not maintained otherwise, although it has been afforded an opportunity to proffer evidence and/or statements of position with respect to this and all other issues relevant to the Petition.

6. Accordingly, the undersigned shall direct an election in the following appropriate unit: "All blue-collar employees of Long Beach Township including truck drivers, laborers, light equipment operators, heavy equipment operators and mechanics but excluding craft and professional employees, managerial executives, white-collar employees, policemen, Road Supervisor, seasonal

employees, and supervisors within the meaning of the Act."

7. The undersigned directs that a secret ballot election be conducted in the unit found appropriate. 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 Rule Section 19:11-2.7 the public employer is directed to file with the undersigned 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. Such list must be received no later than ten (10) days prior to the date of the election. The undersigned shall make the eligibility list immediately available to all parties to the election. Failure to comply with the foregoing shall be grounds for setting aside the election upon the filing of proper post-election objections pursuant to the Commission's Rules.

Those eligible to vote shall vote on whether or not they desire to be represented for the purposes of collective negotiations

by Communications Workers of America, AFL-CIO.

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

BY ORDER OF THE EXECUTIVE DIRECTOR



Jeffrey B. Tener
Executive Director

DATED: Trenton, New Jersey
July 9, 1975