

D.R. NO. 2003-8

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

In the Matter of

BOROUGH OF ORADELL,

Public Employer,

-and-

Docket No. AC-2002-9

ORADELL EMPLOYEES ASSOCIATION, AFFILIATED WITH
NEW JERSEY EMPLOYEES LABOR UNION
LOCAL #1, U.S.W.A., AFL-CIO

Petitioner.

SYNOPSIS

The Director of Representation grants an amendment of certification requested by Oradell Employees Association, reflecting its affiliation with New Jersey Employees Labor Union, Local No. 1, U.S.W.A., AFL-CIO. The Association complied with the requirements of N.J.A.C. 19:11-1.6 and provided its members with adequate due process. The Borough did not oppose the amendment.

D.R. NO. 2003-8

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

In the Matter of

BOROUGH OF ORADELL,

Public Employer,

-and-

Docket No. AC-2002-9

ORADELL EMPLOYEES ASSOCIATION, AFFILIATED WITH
NEW JERSEY EMPLOYEES LABOR UNION
LOCAL #1, U.S.W.A., AFL-CIO

Petitioner.

Appearances:

For the Public Employer
Wiss, Cooke & Santomauro, attorneys
(Raymond R. Wiss, of counsel)

For the Petitioner
Weissman and Mintz, attorneys
(Rose Cipparulo, of counsel)

**AMENDMENT OF CERTIFICATION
OF REPRESENTATIVE**

On June 28, 2002, the Oradell Employees Association (Association) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission) pursuant to N.J.A.C. 19:11-1.6, seeking to amend its Certification of Representative to reflect its affiliation with the New Jersey Employees Labor Union, Local No. 1, U.S.W.A., AFL-CIO (Local 1).

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. These facts appear:

On June 30, 1986, the Commission certified the Association as the exclusive representative of a unit of all non-supervisory blue and white-collar employees employed by the Borough (Commission docket no. RO-86-136). The Association has submitted a certification of its President, William B. Simpson dated June 20, 2002, as well as a supplemental certification of its Vice President, Thomas Phillips, certifying that the following procedures were followed concerning the affiliation election:^{1/}

1. The Association notified its membership of the affiliation vote by notices posted on May 3, 2002, at the Oradell free public library, public works garage, Borough hall, and various other work locations in the Borough.

2. Association members were afforded the opportunity to discuss issues concerning the proposed affiliation with Local 1 at Association meetings held at the Oradell library for that purpose on April 2 and April 23 and again prior to voting on May 8, 2002.

2. The affiliation election was conducted in person on May 8, 2002 by secret ballot at the time and place set forth on the posted notice.

4. A majority of the Association's 26 members voted in favor of the affiliation with Local 1.

5. The negotiations unit will continue to be composed of all non-supervisory blue and white collar employees.

^{1/} Simpson continued as President after the affiliation vote, but recently resigned. Phillips is now the highest ranking officer of the Association.

6. The Association's officers continued in their representative capacity immediately after the affiliation election.

The Borough has advised us that it does not oppose the amendment of certification.

ANALYSIS

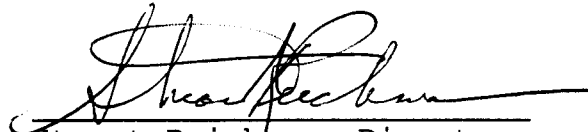
The Commission's rules establish procedures for amending certifications and our caselaw establishes the standards for granting such petitions. N.J.A.C. 19:11-1.6; Parsippany-Troy Hills Twp., P.E.R.C. No. 94-119; 20 NJPER 279 (¶25141 1994), denying req. for rev. D.R. No. 94-20, 20 NJPER 180 (¶25079 1994); Cape May Assignment Judge, et al., P.E.R.C. 85-60, 11 NJPER 91 (¶16039 1985). I am satisfied that the Association has met all of the requirements for amendment of its certification and has afforded its members adequate due process. It demonstrated that members voted by secret ballot for the affiliation, and that there was continuity of both the negotiations unit and the Association's officers. N.J.A.C. 19:11-1.6(b). Additionally, there was notice of the election adequate to provide members with an opportunity to vote,^{2/} and members were given an opportunity to discuss the affiliation prior to the vote. Township of Middletown, et al., P.E.R.C. No. 2000-47, 26 NJPER 59, 60 (¶31020 1999); State of New Jersey, D.R. No. 2003-2,

^{2/} While in other circumstances three working days advance notice might be an inadequate amount of time, nevertheless, a majority of the Association's members did participate in the vote.

28 NJPER ____ (¶ ____ 2002); No. Hudson Reg. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000). Moreover, the Borough does not oppose the proposed amendment.

Accordingly, in accordance with N.J.A.C. 19:11-2.6(b)(5), the Certification of Representative issued by the Commission on June 30, 1986 is amended to reflect that the Borough of Oradell Employees Association is affiliated with New Jersey Employees Labor Union, Local No. #1, U.S.W.A., AFL-CIO.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Stuart Reichman, Director
Director of Representation

DATED: October 11, 2002
Trenton, New Jersey

