

D.R. NO. 89-5

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

In the Matter of

BOROUGH OF STONE HARBOR,

Public Employer,

-and-

Docket No. RO-89-14

AFSCME, DISTRICT COUNCIL 71,

Petitioner.

SYNOPSIS

The Director of Representation orders an election among non-supervisory blue collar employees employed by the Borough of Stone Harbor.

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Appearances:

For the Public Employer
Thomas W. Flud, Administrator

For the Petitioner
Robert C. Little, Staff Rep.

DECISION AND DIRECTION OF ELECTION

On August 16, 1988, the American Federation of State, County and Municipal Employees District Council 71 ("Council 71") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission ("Commission"). By its Petition, Council 71 seeks to represent all blue-collar employees employed by the Borough of Stone Harbour ("Borough"), excluding white collar employees, professional employees, confidential employees, police, managerial executives and supervisors within the meaning of the Act.

We conducted an administrative investigation to determine the facts. See N.J.A.C. 19:11-2.2. A Commission staff agent

scheduled an informal conference for August 30, 1988, to ascertain the positions of the parties and to secure an Agreement for Election. The Borough stated that it would not attend this conference or any other conference, but that it would consent to a secret ballot election conducted by this Commission among the petitioned-for employees.

It appears that there are no factual issues in dispute. The petitioned-for employees are unrepresented. The Petition is timely filed and supported by an adequate showing of interest. The petitioned-for unit -- all non-supervisory blue collar employees employed by the Borough -- is prima facie appropriate.

The Borough has no objection to an election, yet it refuses to enter into an Agreement for Consent Election. Since no substantial and material factual issues have been placed in dispute, we direct that an election be conducted among the Borough's non-supervisory blue collar employees to determine whether the blue collar employees wish to be represented for the purpose of collective negotiations by AFSCME, District Council 71.

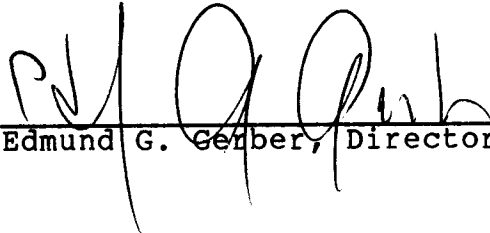
The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the 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 us an eligibility list consisting of an alphabetical listing of the names of all eligible voters in the units, together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

The exclusive representative, if any, shall be determined by a majority of the valid votes cast in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: September 20, 1988
Trenton, New Jersey