

D.R. NO. 89-24

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

In the Matter of

TOWNSHIP OF CHERRY HILL,

Public Employer,

-and-

Docket No. RO-89-77

TEAMSTERS LOCAL 676,

Petitioner.

SYNOPSIS

The Director of Representation orders that an election be conducted among white collar employees employed by the Township of Cherry Hill. The Director found there was no dispute over the appropriate composition of the unit and that the employer had not raised any substantial issue or presented facts which would warrant the delay of an election.

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Appearances:

For the Public Employer
Richard N. Shuss, Business Administrator

For the Petitioner
John P. Greeley, President

DECISION AND DIRECTION OF ELECTION

On December 21, 1989, Teamsters Local Union No. 676, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America ("Local 676" or "Teamsters") filed a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, with the Public Employment Relations Commission ("Commission"). By its petition, Local 676 seeks to represent in collective negotiations a unit of all white collar employees employed by the Township of Cherry Hill ("Township"). The Township opposes the petition and refuses to consent to a secret ballot election.

We conducted an administrative investigation to determine the pertinent facts. N.J.A.C. 19:11-2.2(a).

The disposition of this matter is properly based upon our administrative investigation. We have not found any substantial and material factual disputes which may be more appropriately resolved at a hearing. N.J.A.C.19:11-2.6(b).

On February 27, 1989, we wrote to the parties indicating our intention to order an election in the petitioned-for unit. By letter of March 3, 1989, the Township replied to our correspondence.^{1/}

1. The Township is a public employer within the meaning of the New Jersey Public Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act").

2. Teamsters Local 676 is an employee representative within the meaning of the Act.

3. The employees who are the subject of the petition are presently unrepresented.

4. The petition was accompanied by an adequate showing of interest. N.J.A.C. 19:11-1.2(a).

5. Petitioner seeks to represent a unit of all white collar employees, excluding professional employees, employed by the Township.

6. The petitioned-for unit is appropriate for collective negotiations.

^{1/} While the parties initially disputed the unit placement of certain part-time employees, in its March 3, 1989 letter, the Township said it would no longer dispute the unit placement of these employees. Accordingly, there is no longer a dispute concerning the composition of the petitioned-for unit.

Analysis

The petitioned-for unit is appropriate for collective negotiations and raises a valid question concerning representation. The Township, though it will not consent to an election, has raised no substantial issue which warrants delaying the conduct of an election. Accordingly, we are inclined to direct an election in the petitioned-for unit.

Based upon the foregoing and pursuant to N.J.A.C. 19:11-2.6(b)(3), we direct that an election be conducted in the petitioned-for unit, as follows:

Included: All regularly employed white collar employees employed by the Township of Cherry Hill.

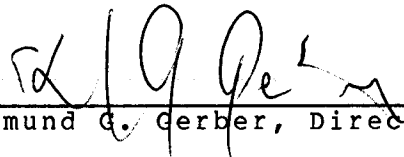
Excluded: All police employees, professional employees, craft employees, managerial executives, confidential employees, supervisors within the meaning of the Act, blue collar employees, all employees in other negotiations units and all other employees of the Township of Cherry Hill.

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: March 29, 1989
Trenton, New Jersey