

E.D. NO. 69

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF UNION BEACH,
Public Employer,

and

Docket No. RO-675

MONMOUTH COUNCIL NO. 9, N.J.C.S.A.,
Petitioner.

SYNOPSIS

The Executive Director directs an election in a prima facie appropriate unit of blue collar employees of the Borough of Union Beach in the absence of substantial and material factual issues with respect thereto.

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DECISION AND DIRECTION OF ELECTION

A Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission by Monmouth Council No. 9, New Jersey Civil Service Association with respect to a unit of all blue-collar employees of the Borough of Union 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 to the undersigned 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 Borough of Union Beach is a public employer within the meaning of the New Jersey Employer-Employee Relations Act and is subject to its provisions.

3. Monmouth Council No. 9, N.J.C.S.A. is an employee representative within the meaning of the New Jersey Employer-Employee Relations Act and is subject to its provisions.

4. The Borough of Union Beach refuses to recognize Monmouth Council No. 9 as the exclusive representative of certain Borough employees. Accordingly, a question concerning the representation of public employees exists and this matter is properly before the undersigned for determination.

5. The negotiating unit that is the subject of this Petition filed by Monmouth Council No. 9 is prima facie appropriate for the purposes of collective negotiations. No specific contention to the contrary has been advanced by the Borough of Union Beach, 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.

Accordingly, the undersigned shall direct an election in the following appropriate unit: "All blue-collar employees employed by the Borough of Union Beach excluding white-collar employees, managerial executives, confidential employees, professional employees, craft employees, policemen and supervisors within the meaning of the New Jersey Employer-Employee Relations Act."

6. 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.

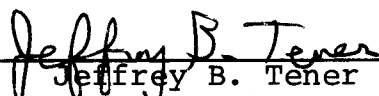
Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Employees 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 by the undersigned 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 Monmouth Council No. 9, N.J.C.S.A.

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
April 11, 1975