

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE ADMINISTRATOR OF REPRESENTATION PROCEEDINGS

In the Matter of

RIDGEFIELD FREE PUBLIC LIBRARY,

Public Employer,

-and-

SAMUEL SAPORITO, JR.

DOCKET NO. RD-84-1

Petitioner,

-and-

RIDGEFIELD LIBRARY EMPLOYEES
ASSOCIATION,

Intervenor.

SYNOPSIS

The Administrator of Representation Proceedings, on the basis of an administrative investigation, directs an election among all professional and nonprofessional employees represented by the Ridgefield Library Employees Association to ascertain whether the employees continue to desire representation by the Association. The conduct of an election was blocked during the pendency of unfair practice proceedings which have now been brought to a conclusion. In re Ridgefield Free Public Library, P.E.R.C. No. 84-112, 10 NJPER ___ (¶ ___ 1984).

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Appearances:

For the Public Employer
Betty Schacher, Director

For the Petitioner
Samuel Saporito, Jr., pro se

For the Intervenor
Patricia Knox, President

DECISION AND DIRECTION OF ELECTION

On July 26, 1983, a Petition for Decertification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission ("Commission") by Samuel Saporito, Jr. ("Petitioner") on behalf of certain employees of the Ridgefield Free Public Library

("Library") seeking an election to ascertain whether the unit employees desire to have continued representation by the incumbent certified representative, Ridgefield Library Employees Association ("Association"), or to have no representation. The Association has intervened in the Petition.

An administrative investigation has been conducted into the matters and allegations involved in the Petition in order to determine the facts. Based upon the administrative investigation, 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 an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.6(b), 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 Ridgefield Free Public Library is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"), is the employer of the employees who are the subject of the Petition, and is subject to the provisions of the Act.

3. The Ridgefield Library Employees Association is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Association was certified by the Commission on February 13, 1981 as the majority representative of the Library's professional and nonprofessional employees. Since its certification, the Association has not entered into a written collective negotiations agreement with the Library.

5. On July 26, 1983, Samuel Saporito, Jr. filed a Petition for Decertification of Public Employee Representative on behalf of certain employees seeking an election to ascertain whether the employees in the extant unit seek continued representation by the Association.

6. On August 1, 1983, the Association filed certain unfair practice charges against the Library, and requested that the Commission block the processing of the instant representation matter. Having determined that the requisites for invoking the blocking charge procedure were met, the Director of Representation, on September 19, 1983, formally held in abeyance the further processing of the Petition. Litigation of the Unfair Practice Charges ensued and proceedings have now concluded. In re Ridgefield Free Public Library, P.E.R.C. No. 84-112, 10 NJPER ___ (¶ ___ 1984).

7. The blocking charge issues were the sole issues raised with respect to the instant matter. On May 1, 1984, Petitioner requested that the processing of the Petition be resumed. No additional issues have been raised.

Accordingly, on the basis of the above, the undersigned finds that a question concerning employee representation exists

and the matter is appropriate for the conduct of an election.

Therefore, the undersigned finds that the appropriate unit is: all professional and nonprofessional employees employed by the Ridgefield Free Public Library but excluding, all other employees including craft employees, managerial executives, confidential employees, police and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that the election shall be conducted by mail ballot. The election shall commence no later than thirty (30) days from the date set forth below.

Those eligible to vote are the 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. 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.

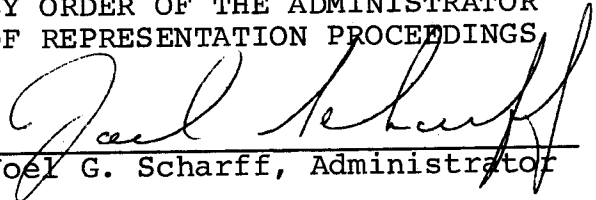
Pursuant to N.J.A.C. 19:11-9.6, the Library is directed to file with the undersigned and with the Petitioner and the Association, an eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by the

undersigned no later than ten (10) days prior to the date established for ballot issuance. A copy of the eligibility list shall be simultaneously filed with the Petitioner and the Association with statements of service to the undersigned. The undersigned shall not grant an extension of of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they wish to continue to be represented for purposes of collective negotiations by the Ridgefield Library Employees Association.

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

BY ORDER OF THE ADMINISTRATOR
OF REPRESENTATION PROCEEDINGS



Joel G. Scharff, Administrator

DATED: June 7, 1984
Trenton, New Jersey