

D.R. NO. 2002-7

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

In the Matter of

BURLINGTON CITY,

Public Employer,

-and-

Docket No. AC-02-6

INDEPENDENT ASSOCIATION OF
BURLINGTON CITY PUBLIC WORKERS,
AFFILIATED WITH CWA LOCAL 1040, AFL-CIO

Employee Representative.

SYNOPSIS

The Director of Representation grants an amendment of certification requested by Independent Association of Burlington City Public Workers, reflecting its affiliation of the Communications Workers of America, AFL-CIO. The Association complied with the necessary requirements and the City did not oppose the amendment.

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Appearances:

For the Public Employer
Dorf & Dorf, attorneys
(Gerald L. Dorf, of counsel)

For the Employee Representative
Weissman & Mintz, attorneys
(William G. Schimmel, of counsel)

AMENDMENT OF CERTIFICATION
OF REPRESENTATIVE

On January 24, 2002, the Independent Association of Burlington City Public Workers filed a Petition for Amendment of Certification pursuant N.J.A.C. 19:11-1.6 seeking to amend its Certification of Representative to reflect its affiliation with Communications Workers of America Local 1040, AFL-CIO.

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

On April 3, 1992, the Commission certified the Association as the exclusive representative of a unit of all non-supervisory

clerical and blue-collar employees employed by the City. In January 2001, CWA filed a representation petition seeking to replace the Association as the unit's exclusive representative. We conducted a secret ballot election among the unit employees. Neither employee representative received a majority of the votes cast as one challenge ballot became determinative of the election outcome. After hearings on the disputed ballot, the CWA notified us that it had conducted a successful affiliation vote among the Association's members, and asked to withdraw the representation petition. The parties entered into a settlement agreement with the City resolving the unit status of the disputed employee and the City recognized CWA as the majority representative. I have separately approved the withdrawal of CWA's election petition.

The Association has submitted a certification of its President, Howard Wilkins that the following procedures were followed concerning the affiliation election:

1. The Association notified its membership of the affiliation vote by notice posted on November 10, 2001.
2. The affiliation election was conducted on November 29, 2001 by secret ballot election.
3. A majority of the Association's members voted in favor of the affiliation with CWA Local 1040.
4. The negotiations unit will continue to be composed of all non-supervisory clerical and blue-collar employees;
5. There has been a complete transfer of union officers and members of the Association.

Based upon the foregoing, I find that the Association has complied with the requirements to record its affiliation with CWA Local 1040. In addition, CWA has submitted a Camden affidavit^{1/} agreeing to comply with the requirements that it maintain a separate organizational structure from the organization that represents the City's supervisory employees. The City has advised us that it does not oppose the amendment of certification.

Therefore, in accordance with N.J.A.C. 19:11-2.6(b)(5), the Certification of Representative issued by the Commission on April 3, 1992 is amended to reflect that the Independent Association of Burlington City Public Workers is affiliated with Communications Workers of America, Local 1040, AFL-CIO.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION

Stuart Reichman, Director

DATED: February 14, 2002
Trenton, New Jersey

^{1/} See City of Camden, P.E.R.C. No. 82-89, 8 NJPER 226 (¶13094 1982).