

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

In the Matter of

ATLANTIC CITY PARKING AUTHORITY,

Public Employer,

-and-

DOCKET NO. RO-80-137

TEAMSTERS UNION LOCAL 331,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN  
AND HELPERS OF AMERICA,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs the conduct of a secret ballot election among all regularly employed full time and part-time employees of the Authority, to determine whether they desire to be represented for the purpose of collective negotiations by Local 331. The Authority does not dispute the appropriateness of the petitioned-for unit nor does the Authority agree to a secret ballot election. The Director determines that the unit of employees is prima facie appropriate and, in the absence of substantial and material disputed factual issues, directs an election herein.

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Petitioner.

Appearances:

For the Public Employer  
Capehart & Scatchard, attorneys  
(Bruce L. Harrison of counsel)

For the Petitioner  
Howard J. Casper, attorney

DECISION AND DIRECTION OF ELECTION

On February 4, 1980, a Petition for Certification of Public Employee Representative, accompanied by an adequate showing of interest, was filed by Teamsters Union Local 331, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America ("Local 331") with respect to all regularly employed full time and part-time employees employed by the Atlantic City Parking Authority (the "Authority"). The undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in the Petition in order to determine the facts.

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 that no substantial and material factual issues exist which may more appropriately be resolved at a 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 Atlantic City Parking Authority is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this Petition, and is subject to the provisions of the Act.

3. Teamsters Union Local 331, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America is an employee representative within the meaning of the Act and is subject to its provisions.

4. Local 331 seeks to represent all regularly employed full time and part-time employees of the Authority, excluding office clerical employees, managerial executives, confidential employees, professional and craft employees, police and supervisors within the meaning of the Act. No other employee organization has sought to intervene in this matter.

5. The Authority, although declining to consent to a secret ballot election, does not dispute the appropriateness of

the proposed unit. Rather, by letter dated February 7, 1980, the Authority stated that it opposed the processing of the instant Petition while a related Unfair Practice Charge was pending before the Commission.

6. On February 29, 1980, Local 331 executed a request to withdraw the Unfair Practice Charge [Docket No. CO-79-181]. The undersigned has approved this request.

7. On March 6, 1980, the undersigned notified the parties that on the basis of the administrative investigation to date, it appeared that no substantial and material factual issues had been placed in dispute and that a valid question concerning representation exists in a prima facie appropriate unit. The undersigned provided an additional opportunity to all parties to present evidence as well as statements of position relating to the Petition. The undersigned stated that in the absence of any substantial and material factual disputed issues, he would thereafter issue a decision and direction of election. No further evidentiary proffer or statement has been provided to the undersigned.

Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein. Therefore, the undersigned finds that the appropriate unit for collective negotiations is: all regularly employed full time and part-time employees employed by the Atlantic City Parking

Authority, but excluding office clerical employees, managerial executives, confidential employees, professional and craft 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 an election be conducted among the employees described above. The election shall be conducted 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. 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.

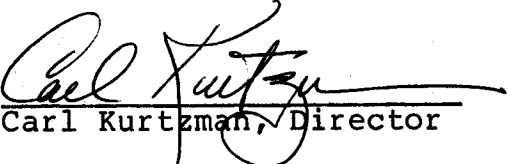
Pursuant to N.J.A.C. 19:11-9.6, the Public Employer is directed to file with the undersigned and with Local 331 an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed

with Local 331 with statement of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by Teamsters Union Local 331, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

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

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: March 18, 1980  
Trenton, New Jersey