

D.R. NO. 92-7

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

In the Matter of

PENNSVILLE SEWERAGE AUTHORITY,

Public employer,

-and-

Docket No. RO-92-17

AFSCME, COUNCIL 71,

Petitioner.

SYNOPSIS

The Director of Representation orders an election among a petitioned-for unit of blue collar employees at the Pennsville Sewerage Authority. Although AFSCME agreed that two petitioned-for titles were not eligible for inclusion in the union, the Authority refused to sign a consent agreement.

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Appearances:

For the Public Employer
Andrew Rhea, attorney

For the Petitioner
Robert C. Little, Staff Rep.

DECISION AND DIRECTION OF ELECTION

On August 22, 1991, AFSCME, Council 71 ("AFSCME") filed a representation petition seeking to represent all blue collar employees of the Pennsville Sewerage Authority ("Authority). The petition was accompanied by an adequate showing of interest.

On September 18, 1991, the Authority filed a letter claiming that the acting superintendent (formerly assistant to the superintendent) and laboratory supervisor should not be included in the proposed unit because they are "management personnel...who hold a confidential relationship with the Authority...." Although it does not object to a blue collar unit of licensed and unlicensed operators, it does not consent to an election.

On October 9, 1991, we issued a letter tentatively approving the blue collar unit, but seeking more information to determine the eligibility of the acting superintendent and laboratory supervisor.

On October 21, 1991, the Authority filed documents, affidavits and an additional statement of position.

After further discussions, AFSCME agreed that the acting superintendent and laboratory supervisor are not eligible for inclusion in the blue collar unit.

Accordingly, I direct that an election be conducted in the petitioned-for blue collar unit of all operators to determine whether they wish to be represented by AFSCME, Council 71, AFL-CIO, or no representative. Excluded from the unit are the acting superintendent and laboratory supervisor.

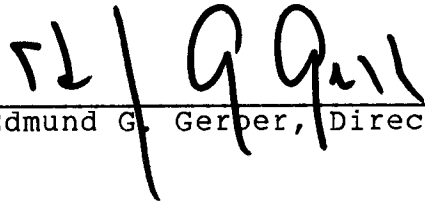
The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the military service. The election shall be conducted by mail ballot. 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: December 10, 1991
Trenton, New Jersey