

D.R. NO. 85-1

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

In the Matter of

TOWNSHIP OF SPRINGFIELD,

Public Employer,

-and-

DOCKET NO. RO-84-96

COUNCIL 52, AFSCME, AFL-CIO,

Petitioner.

SYNOPSIS

The Administrator of Representation Proceedings, on the basis of an administrative investigation and in the absence of substantial and material disputed factual issues, directs an election among certain employees of the Township of Springfield. The employees' current representative, Springfield Municipal Employees Association, has not sought to participate in the election.

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Appearances:

For the Public Employer  
Stephen Koppekin, attorney

For the Petitioner  
Doreen Lilore, Staff Representative, AFSCME

DECISION AND DIRECTION OF ELECTION

On May 11, 1984, Council 52, American Federation of State, County and Municipal Employees, AFL-CIO ("AFSCME") filed a Petition for Certification of Employee Representative, accompanied by an adequate showing of interest, with the Public Employment Relations Commission ("Commission"). AFSCME seeks to represent a collective negotiations unit described in the Petition as "all employees of the Township of Springfield, excluding supervisors under the meaning of the Act."

By letter dated May 14, 1984, the undersigned apprised all parties of the filing of the instant Petition and directed the

conduct of an administrative investigation. An informal conference was convened by the Commission staff agent. The Township did not provide a representative to attend the conference, nor did the Township formally advise the Commission of its position concerning this matter. Shortly after the conclusion of the conference, however, the Commission staff agent was orally advised by the attorney for the Township that he believed there was no outstanding dispute concerning the representation of Township employees which would require resolution by the Commission. AFSCME, however, has indicated that it continues to desire certification under the Act, and requests that the instant Petition be processed to its conclusion.

Based upon the administrative investigation to date, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based on 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 Township of Springfield 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 this Petition, and is subject to the provisions of the Act.

3. Council 52, American Federation of State, County and Municipal Employees, AFL-CIO is an employee representative within the meaning of the Act, and is subject to its provisions.

AFSCME seeks to represent a collective negotiations unit of all employees of the Township of Springfield but excluding supervisors within the meaning of the Act, managerial executives, confidential employees and police. At the informal conference conducted by the Commission staff agent on May 30, 1984, AFSCME indicated that its Petition is intended to cover all employees currently covered by the collective negotiations agreement between the Township of Springfield and Springfield Municipal Employees Association which expired December 31, 1983. <sup>1/</sup>

1/ Springfield Township Municipal Employees Association has declined to intervene in this matter and does not seek to participate as a separate organization in any election conducted by the Commission.

Article I of the agreement describes the unit as:

1.02 The unit consists of all employees in the following titles or job categories: Deputy Clerks, Deputy Registrar of Vital Statistics, Switchboard Operators, Dispatcher(s) other than uniformed Police and Fire Departments' dispatchers, Clerks in all offices of the Township, Stenographers, Secretaries in all offices of the Township, including Administrative Assistant in the Police Department, all employees of the Department of Public Works, Municipal Court Clerk and Assistant, Special Police, Sanitarian, Assistant Township Engineers, all Custodians, Tax Collector, Treasurer, Recreation Director, Building Inspector, all non-supervisory employees in the Recreation Department, Tax Assessor, including full time and part-time employees in the above job categories, and all of such persons who are on leave. Intended to be included in the unit are all future employees who perform functions the same or similar to those enumerated above, regardless of the title assigned to such employees. (Excluded from coverage are all part-time employees employed by the Road and Recreation Departments, including swimming pool personnel so long as said personnel are not employed full time in other capacities by the Township.)

4. The Township has not indicated a desire to consent to the conduct of an election among employees in the unit described by the Petition; nor has the Township objected to an election. There is no objection to the appropriateness of the proposed unit.

Accordingly, the undersigned directs an election among employees in the unit described below at footnote 1. 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.

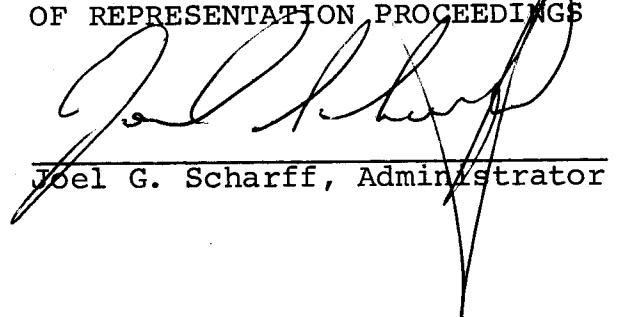
Pursuant to N.J.A.C. 19:11-9.6, the Public Employer is directed to file with the undersigned and with Council 52, AFSCME an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to 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 Council 52,

AFSCME 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 Council 52, AFSCME, AFL-CIO.

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 ADMINISTRATOR  
OF REPRESENTATION PROCEEDINGS



Joel G. Scharff, Administrator

DATED: August 3, 1984  
Trenton, New Jersey