

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

In the Matter of

COUNTY OF MORRIS,

Public Employer,

-and-

MORRIS COUNTY PARK COMMISSION
SUPERVISORS UNIT,

DOCKET NO. RD-85-5

Petitioner,

=and-

MORRIS COUNCIL #6, NEW JERSEY CIVIL
SERVICE ASSOCIATION, SUPERVISORS UNIT,

Employee Organization.

SYNOPSIS

Based upon the administrative investigation, the Commission Designee directs an election among supervisory employees to determine whether a majority of the employees wish to continue to be represented for purposes of collective negotiations by the incumbent employee organization. Although the incumbent objected to an election, no substantial and material factual issues were placed in dispute.

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Employee Organization.

Appearances:

For the Public Employer
Edward Horan, Director of Labor Relations

For the Petitioner
Dennis Shea

For the Employee Organization
Morris & Hantman
(Allen Hantman, of counsel)

DECISION AND DIRECTION OF ELECTION

On October 1, 1984, a Petition for Decertification of a Public Employee Representative, accompanied by an adequate showing of interest, was filed with the Public Employment Relations Commission ("Commission") by a group of employees which calls itself the "Morris County Park Commission Supervisors Unit" ("Supervisors Unit").

The Petitioner alleges that the current exclusive representative, Morris Council #6, New Jersey Civil Service Association ("Council 6") no longer represents a majority of the employees in the

collective negotiations unit, and that the employees do not desire representation by any other employee representative.

Morris Council #6 is the current exclusive representative of employees in the collective negotiations unit of all supervisory employees employed by the Morris County Park Commission ("Park Commission"). The Morris County Park Commission and Morris Council #6 are parties to a Memorandum of Agreement signed June 20, 1984, covering certain terms and conditions of employment for the period January 1, 1984 through December 31, 1984. ^{1/} The instant petition, filed October 1, 1984, is timely filed pursuant to N.J.A.C. 19:11-2.7.

In accordance with N.J.A.C. 19:11-2.6, I have caused an administrative investigation to be conducted into the matters and allegations involved in this Petition.

Based upon the administrative investigation, I find and determine as follows:

1. The disposition of this matter can properly be based on the administrative investigation conducted in this matter since no substantial and material factual issues exist which would warrant the convening of 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 Morris County Park Commission 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 subject to its provisions and is the employer of the employees named in the petition.

^{1/} The existence of the Memorandum of Agreement is noted here. No specific determination is made herein with regard to the validity of this document as a contract, since the petition was in any event filed during the "window period."

3. Morris Council #6, New Jersey Civil Service Association, is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Morris County Park Commission Supervisors Unit has filed a timely Petition for Decertification of Public Employee Representative and seeks an election among the Park Commission's supervisory employees comprising the supervisory negotiations unit in order to determine whether a majority of the employees in the unit desire to continue to be represented for the purposes of collective negotiations by Morris Council #6.

5. The Morris County Park Commission consents to an election among the employees in the unit.

6. Morris Council #6 objects to an election in this matter, but has not proffered any facts or documentary evidence in support of its position.

By letter dated December 24, 1984, I advised the parties that based upon the administrative investigation to date, it was my intention to direct an election in this matter. That letter provided parties with an opportunity to submit additional statements of position and documentary evidence which might place substantial and material factual issues in dispute. No responses have been received.

Based upon the foregoing, I direct that a secret ballot election be conducted among the employees in the collective negotiations unit of "all supervisory employees employed by the Morris County Park Commission, excluding managerial executives, confidential employees, police employees, professional employees, and non-supervisory employees."

The election shall be conducted by mail ballot and shall commence no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees in the unit described 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 Park Commission is directed to file with the Commission and with the Petitioner, and with Morris Council #6, 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 Commission 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 Association with statement of service to the Commission. I shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

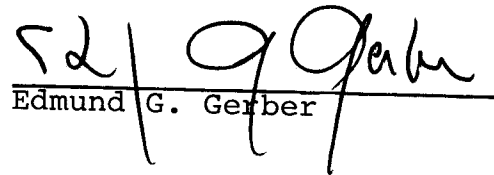
Those eligible to vote shall vote on whether they wish to continue to be represented for purposes of collective negotiations by Morris Council #6, N.J.C.S.A. - Supervisors Unit.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the

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election. The election shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE COMMISSION


Edmund G. Gerber

DATED: February 5, 1985
Trenton, New Jersey