

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COLLEGE OF MEDICINE AND DENTISTRY  
OF THE STATE OF NEW JERSEY  
Public Employer

and

Docket No. R-97

TEAMSTERS LOCAL 286, AFFILIATED WITH THE  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
PUBLIC SERVICE EMPLOYEES  
Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

A consent election was conducted in the above captioned matter by use of mail balloting. The balloting period ended March 1, 1971; the tally showed that Petitioner had not received a majority of the valid ballots cast. Thereafter, based on a stipulation by the parties, supported by documentary evidence, that the U. S. Post Office had been unable to deliver ballots to certain eligible voters, sufficient in number to have affected the outcome of the election, that election was set aside in conformity with the parties' request and a new election was ordered. The second election was conducted on August 20, 1971, on site rather than by mail. Three polling places were set up - in East Orange, Jersey City and Newark - each open for two hours. A fourth polling place was set up at Martland where most eligible voters work and it remained open ten hours. At the conclusion of voting the tally showed that of approximately 1,000 eligible voters, 287 cast votes for Petitioner, 279 cast votes against, and 14 ballots were void.

Thereafter, a document purporting to be objections to the election was filed by a group of people describing themselves as "eligible voters." The document bore the names of some 50 people and raised various contentions in support of its request for a new election.

Section 19:11-19(f) of the Commission's Rules and Regulations provides that "any party" may file objections to an election. Section 19:11-16 of the Rules specifies who shall have standing as a party in a consent election situation: "The parties to such proceeding shall be the public employer, the petitioner and any intervenors who shall have complied with the requirements set forth in section 19:11-13." Under the last cited section intervenor status is acquired, if at all, at a time prior to the election. The above group of "eligible voters" did not attempt to intervene nor does it claim to have intervened in the required manner. It is evident therefore that this group is not a party to this proceeding and is not entitled to file objections which would require investigation and disposition on the merits. Thus the contentions raised by this group will not be considered.

By letter dated August 27, 1971 the College of Medicine and Dentistry filed objections to the election by certified mail. The envelope bears a marking, apparently made by either the Newark or Trenton, New Jersey Post Offices, indicating receipt on Saturday, August 28. The letter was received in the Commission's office on Monday, August 30. Under Sections 19:11-19(f) and 19:17-1(a) and (d) of the Commission's rules, a party has five working days in which to submit objections to the Commission, i.e., be received in the Commission's office. To be timely filed, objections in this case must have been received in the Commission's office by close of business Friday, August 27, 1971. There can be no reasonable expectation that a letter dated August 27 will be delivered by certified mail the same day. Since the objections were not received until the following Monday, they are dismissed as untimely filed.

Having received a majority of the valid ballots cast, Petitioner will be certified.

CERTIFICATION OF REPRESENTATIVE

IT IS HEREBY CERTIFIED that Teamsters Local 286 has been designated and selected by a majority of the employees of the above-named Public Employer, in the unit of all employees employed by the College of Medicine and Dentistry of the State of New Jersey including licensed practical nurses, clerical, health care and services, and operations maintenance and service employees, and permanent part-time employees who work a minimum of 20 hours per week, excluding managerial executives, professional employees, registered nurses, confidential employees, craft employees and craft assistants, supervisors within the meaning of the Act, guards and policemen, and all other employees, as their representative for the purpose of collective negotiations; and that pursuant to N.J.S.A. 34:13A et. seq., the said organization is the exclusive representative of all employees in such unit for the purposes of collective negotiations with respect to terms and conditions of employment.

  
Maurice J. Nelligan, Jr.  
Executive Director

DATED: September 10, 1971  
Trenton, New Jersey