

D.R. NO. 92-32

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

In the Matter of

TOWNSHIP OF JACKSON,

Public Employer,

-and-

Docket No. AC-92-5

JACKSON TOWNSHIP SUPERIOR OFFICERS
ASSOCIATION, AFFILIATED WITH NEW JERSEY
STATE P.B.A. LOCAL 168A

Petitioner.

SYNOPSIS

The Director of Representation amends a certification of representative to show that the independent Superior Officers Association is now affiliated with the PBA. The SOA demonstrated that it conducted the affiliation by an announced, secret ballot vote among the unit members, and that there was a continuity of the Association's officers and unit structure. While noting the employer's concerns about the rank-and-file PBA local potentially dominating the superiors' negotiation, the Director found that the SOA's Camden affidavit affirming its intention to act as a separate organization satisfies the requirements under the Act.

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Appearances:

For the Public Employer
Hiering, Hoffman & Gannon, attorneys
(Thomas Gannon, of counsel)

For the Petitioner
Walter Semblewski, SOA President

AMENDMENT OF CERTIFICATION
OF REPRESENTATIVE

On April 15, 1992, the Jackson Township Superior Officers Association ("SOA") filed a Petition for Amendment of Certification with the Public Employment Relations Commission ("Commission") pursuant to N.J.A.C. 19:11-1.6. The SOA seeks to amend its Certification of Representative to record its affiliation with the New Jersey State Patrolmen's Benevolent Association Local 168A.

The Commission certified Jackson Township SOA as the exclusive representative of the Township's police captains and lieutenants on September 3, 1981 (Docket No. RO-80-194).

The SOA has demonstrated that its members, after proper notification, voted by secret ballot, on April 15, 1991 to affiliate with New Jersey State P.B.A. The SOA has demonstrated that there has been a continuity of union officers since the affiliation and that the size and scope of the negotiations unit are unchanged.

The Township has expressed its concern that the rank-and-file PBA unit would attempt to bargain for the lieutenants and captains. The Township insists that the PBA rank and file not negotiate for and otherwise attempt to represent superior officers. It also notes that it will not agree to consolidate the two collective negotiations units.

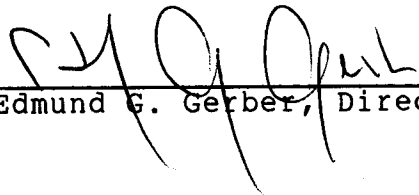
In City of Camden, P.E.R.C. No. 82-89, 8 NJPER 226 (¶13094 1982), the Commission recognized the need for safeguards against the possibility that a rank-and-file police organization could interfere with or dominate the organizational structure or negotiations process of a superior officers organization affiliated with the same parent organization. Accordingly, it created a procedure for an organization seeking to represent supervisory employees. The organization must certify that it has a statutorily valid organization structure and it must agree to certain specific provisions as a condition of certification. The SOA has completed an affidavit agreeing to the requirements. Camden. Specifically, the SOA, affiliated with State PBA, Local 168A, agrees that it be and act as a separate organization from PBA Local 168. It has further affirmed that the SOA, rather than Local 168, will control

the negotiations for and the administration of its contract covering captains and lieutenants. Further, the SOA, affiliated with Local 168A, certifies that it has no non-supervisory police officers as members.

I am satisfied that the SOA has complied with the Commission's Rules and procedures to secure its amendment of certification. I am also satisfied, in light of the SOA's affirmances in its affidavit, that it intends to act as a separate organization from Local 168. I note that any claim about how the SOA might act, once affiliated with the PBA, is premature. The Commission presumes that an employee organization, once certified, will abide by the requirements of the law. See Cty. of Hudson, D.R. No. 84-21, 10 NJPER 293 (¶15144 1984), req. for rev. den. P.E.R.C. No. 84-131, 10 NJPER 320 (¶15153 9184), [lv. to app. den. App. Div. Dkt. No. AM-944-83T2 (6/7/84), lv. to app. and stay election den. S. Ct. Dkt. No. 22,796 (6/12/84)], D.R. No. 85-7, 10 NJPER 623 (¶15297 1984) (certification issued), aff'd App. Div. Dkt. No. A-989-84T7 (11/15/85). If a supervisors' organization illegally permits the non-supervisory employees' representative to control its negotiations or contract administration, there are remedies through the Commission's unfair practice proceedings. See Town of Kearny, P.E.R.C. No. 81-137, 7 NJPER 339 (¶12153 1981).

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now Jackson Township Superior Officers Association, affiliated with New Jersey State PBA, Local 168A.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: May 19, 1992
Trenton, New Jersey