

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

In the Matter of

TOWNSHIP OF WASHINGTON,

Public Employer,

-and-

DOLORES BAILEY,

DOCKET NO. RD-78-11

Petitioner,

-and-

AMALGAMATED FOOD AND ALLIED
WORKERS UNION, LOCAL 56, AFL-CIO,

Employee Representative-
Intervenor.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs a secret ballot election among the Township's white collar personnel to determine whether they wish to have continued representation by the current exclusive representative. The Petitioner has filed a valid Petition for Decertification of Public Employee Representative, and there are no substantial and material factual disputed issues which would warrant the convening of an evidentiary hearing.

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Appearances:

For the Public Employer
Harris Y. Cotton, Esq.

For the Petitioner
Trimble & Master, Esqs.
(John W. Trimble, of Counsel)

For the Employee Representative-Intervenor
Tomar, Parks, Seliger, Simonoff & Adourian, Esqs.
(Robert F. O'Brien, of Counsel)

DECISION AND DIRECTION OF ELECTION

On January 12, 1978, a Petition for Decertification of Public Employee Representative, accompanied by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by Dolores Bailey (the "Petitioner") on behalf of certain employees employed by the

Township of Washington (the "Township") seeking to decertify the Amalgamated Food and Allied Workers Union, Local 56 ("Local 56") as the negotiations representative for all white collar employees. ^{1/} The undersigned has caused an administrative investigation of the Petition to be conducted in order to determine the facts. All parties have been advised of their obligations under N.J.A.C. 19:11-2.6(a), as amended, and have been afforded an opportunity thereunder to present documentary and other evidence as well as statements of position, relating to the Petition.

On the basis of the administrative investigation herein, the undersigned finds and determines the following:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material disputed factual issues exist which may more appropriately be resolved after a 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.

^{1/} Local 56 was certified by the Commission on May 28, 1975, as exclusive representative of a unit defined as including "All white collar employees employed by the Township of Washington, but excluding all other employees including managerial executives, professionals, confidential employees, craftsmen, police and supervisors within the meaning of the Act. (Secretaries to the various public boards at a fixed annual salary, are excluded.)" Parallel language was incorporated into the contract between Local 56 and the Township executed on November 25, 1975 for the period of January 1, 1976 to December 31, 1977.

2. The Township of Washington is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., as amended (the "Act"), is the employer of the employees who are the subject of this proceeding and is subject to the provisions of the Act.

3. The Amalgamated Food and Allied Workers Union, Local 56, AFL-CIO is an employee representative within the meaning of the Act and is subject to its provisions.

4. Local 56 is the exclusive representative of a unit of Township white collar employees.

5. A collective negotiations agreement entered into between Local 56 and the Township expired December 31, 1977. There was no existing executed agreement between these parties when the instant Petition was filed.

6. On January 12, 1978, the Petitioner filed a timely Petition for Decertification of Public Employee Representative, supported by a valid showing of interest.

7. The Township, by letter dated March 14, 1978, has stated a position of neutrality.

8. The Petitioner desires a secret ballot election to be conducted by the Commission.

9. Local 56 by letter dated March 27, 1978, does not agree to a secret ballot election to be conducted by the Commission although it acknowledges that "there are no substantive issues involved in this case."

10. On April 11, 1978, the undersigned notified the parties that on the basis of the investigation to date, it appeared that no substantial and material factual issues had been placed in dispute and that a valid question concerning representation existed in an appropriate unit. The undersigned provided an additional opportunity to all parties to present documentary and other evidence as well as statements of position relating to the Petition. The undersigned stated that in the absence of the presentation of any substantial and material disputed factual issues, he would thereafter issue a Decision and Direction of Election herein. No further evidentiary proffer or statement has been provided by the parties.

Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein. Therefore, the undersigned shall direct an election among employees in the unit described as including all white collar employees employed by the Township of Washington, Gloucester County, State of New Jersey, but excluding all other employees including managerial executives, professionals, confidential employees, craftsmen, police and supervisors within the meaning of the Act (Secretaries to the various public boards serving at a fixed annual salary are excluded).

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

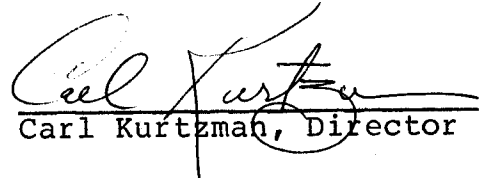
Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, on vacation, or temporarily laid-off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit 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 Township is directed to file with the undersigned and with Dolores Bailey and Local 56 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 Dolores Bailey and Local 56 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 whether or not they desire to be represented for the purposes of collective negotiations by Amalgamated Food and Allied Union, Local 56, AFL-CIO.

A majority of valid ballots cast shall determine the results of the election. The election directed herein shall be conducted in accordance with the Commission's Rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: April 25, 1978
Trenton, New Jersey