

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

In the Matter of

COUNTY OF BERGEN (PARKS COMMISSION),

Public Employer,

-and-

LOCAL 29, RWDSU, AFL-CIO,

DOCKET NO. RO-82-33

Petitioner,

-and-

NEW JERSEY EMPLOYEES LABOR  
UNION, LOCAL 1,

Intervenor.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs an election to be conducted among all blue collar parks employees in the County of Bergen (operating the Bergen County Park Commission). There is no dispute concerning the appropriate unit. The Director finds that a dispute concerning the date and location of the election is not substantial and should not delay an election.

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Appearances:

For the Public Employer  
Reitman, Parsonnet, Maisel & Duggan, attorneys  
(Victor Parsonnet of counsel)

For the Petitioner  
Hogan & Palace, attorneys  
(Thomas A. Hogan of counsel)

For the Intervenor  
Michael B. Ryan, attorney

DECISION AND DIRECTION OF ELECTION

On September 13, 1982, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission ("Commission") by Local 29, RWDSU, AFL-CIO ("Local 29") seeking to represent a negotiations unit of Parks Commission

blue-collar employees employed by the County of Bergen ("County"). The New Jersey Employees Labor Union, Local 1 ("Local 1") has intervened in this matter by filing a sufficient showing of interest as required by N.J.A.C. 19:11-2.7.

The undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in the Petition in order to determine the facts.

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

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

2. The County of Bergen 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"), and is subject to the provisions of the Act.

3. Local 29, RWDSU, AFL-CIO and New Jersey Employees Labor Union, Local 1, are employee representatives within the meaning of the Act and are subject to its provisions.

4. Local 29 seeks to represent an existing negotiations unit of blue-collar employees currently represented by Local 1.

5. The positions of the parties were orally set forth at an investigatory conference convened by a Commission staff

agent on October 7, 1982. All parties agree to the conduct of a secret ballot election. No party objects to the appropriateness of the proposed unit.

The parties agree that the appropriate unit is: All full time and permanent part time (20 hours per week or more) blue collar employees with the titles of foreman or below employed by the County of Bergen (operating the Bergen County Park Commission); but excluding all other employees, including seasonal, per diem, and craft workers, confidential employees, managerial executives, police, professional employees and supervisors within the meaning of the Act.

6. The parties have not entered into an Agreement for Consent Election inasmuch as they disagree as to the date and location of the election.

7. N.J.A.C. 19:11-4.1(b) provides:

The parties shall stipulate as to the composition of the collective negotiations unit, and may agree as to the eligibility period for participation in the election, the dates, hours and places of the election, and the designations on the ballot. In the absence of an agreement among the parties as to the eligibility period for participation in the election, the dates, hours and places of the election and the designation on the ballot, the director of representation shall determine those arrangements.

8. On October 13, 1982, the undersigned advised the parties, in accordance with N.J.A.C. 19:11-2.6(b), that it appeared that a valid question concerning representation exists in an appropriate unit, that the purposes of the Act will be effectuated by the direction of an election and that an election will reflect

the free choice of employees in the appropriate unit. The undersigned stated his intent to direct an election in the unit defined above in the absence of the presentation within seven days of any substantial and material disputed factual issues. On October 19, 1982, Local 1 advised that it desired the conduct of an election "as soon as possible." No other submissions have been received.

Accordingly, for the above reasons, and in the absence of substantial and material disputed factual issues, the undersigned finds that the appropriate unit is: all full time and permanent part time (20 hours per week or more) blue collar employees with the titles of foreman or below, employed by the County of Bergen (operating the Bergen County Park Commission), excluding seasonal, per diem, and craft employees, confidential employees, managerial executives, professional employees, police and supervisors within the meaning of the Act.

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. 1/

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 out ill, or on vacation, or temporarily laid off, including those in the military service. Employees must appear in person at the polls in order to be eligible to

1/ The undersigned shall by correspondence and Notice of Election, advise the parties of the date, time and place of the election.

vote. Ineligible to vote are employees who resigned or were discharged for cause following the designated payroll period and who have not been rehired or reinstated prior to the date of the election.

Pursuant to N.J.A.C. 19:11-9.6, the County is directed to file with the undersigned and with Local 29 and Local 1, an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses. 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 Local 29 and Local 1 with statements 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 they wish to be represented for purposes of collective negotiations by Local 29, RWDSU, AFL-CIO, New Jersey Employees Labor Union, Local 1, or neither.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: October 26, 1982  
Trenton, New Jersey