

D.R. No. 2005-6

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

In the Matter of

CUMBERLAND COUNTY BOARD OF SOCIAL SERVICES,

Public Employer,

-and-

Docket No. AC-2005-001

NEW JERSEY CIVIL SERVICE ASSOCIATION,
CUMBERLAND COUNTY COUNCIL NO. 18

Petitioner.

SYNOPSIS

The Director of Representation amends a Certification of Representative of the Cumberland Supervisors Association to reflect its affiliation with New Jersey Civil Service Association, Cumberland County Council No. 18. The petitioner met all of the requirements for amendment of certification, specifically: advance notice of a secret ballot election; a majority voted in favor of the affiliation; the continuity of the certified representative's officers and the unit structure; and adequate due process afforded to the membership. The Board and the certified representative do not object to the petition.

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Appearances:

For the Public Employer,
Shapiro & Shapiro, attorneys
(Harold Shapiro, of counsel)

For the Petitioner,
O'Brien, Belland & Bushinsky, attorneys
(Mark Belland, of counsel)

DECISION

On October 18, 2004, New Jersey Civil Service Association, Cumberland County Council No. 18 (Council 18) filed an amendment of certification petition with the Public Employment Relations Commission (Commission), seeking to amend a certification of representative to record the affiliation of Cumberland Supervisors Association with Council 18. I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. Neither the public employer, the Cumberland County Board of Social Services (Board), nor the certified

representative, Cumberland Supervisors Association (Association), oppose the petition. I make the following:

Findings of Fact

On August 8, 2003, the Commission certified the Association as the exclusive representative of a unit of all full and part-time social work supervisors, clerk supervisors, child support supervisors and human services specialist IV employed by the Board. Sandra White is the Association's president; Sharon Williams is an Association spokesperson. Council 18 submitted an affidavit certifying that on September 14, 2004, written notice was forwarded to all of the Association's members notifying them of a membership meeting scheduled for September 28, 2004, for the purpose of voting on affiliation with Council 18. Council 18 also certified that on September 28, 2004 a secret ballot election was held, wherein the Association membership unanimously voted for the proposed affiliation.

Council 18 also affirms that the Association's officers and unit structure will not change as a result of it's affiliation with Council 18.

On October 21, 2004, after having received the above referenced affidavit, we advised the Board about the proposed amendment. On October 28, 2004, the Board responded without objection to the proposed amendment. On November 9, we provided Association spokesperson Sharon Williams with a copy of Council

18's petition and supporting affidavits and advised the Association that, absent objections, we intended to grant the Amendment of Certification. The Association has since advised us that it does not oppose the proposed amendment to its certification.

Analysis

The Commission's rules establish procedures for amending certifications and our case law establishes the standards for granting such petitions. N.J.A.C. 19:11-1.6; Parsippany-Troy Hills Twp., D.R. No. 94-20, 20 NJPER 280 (¶25079 1994), req. for rev. denied P.E.R.C. No. 94-119; 20 NJPER 279 (¶25141 1994); Cape May Assignment Judge, et al., P.E.R.C. 85-60, 11 NJPER 91 (¶16039 1985). N.J.A.C. 19:11-1.6(c) requires such a petition to be supported by an affidavit attesting that the membership of the certified employee representative voted in favor of the change in name and affiliation. Such affidavit shall specify that:

1. The membership was given advance notice of the election;
2. The election was conducted by secret ballot;
3. A majority voted in favor of the change in name and affiliation; and
4. The organization's officers and the unit structure remain unchanged.

Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate

due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, an opportunity to discuss the affiliation prior to the vote, and the chance to participate in the affiliation election. Township of Middletown, et al., P.E.R.C. No. 2000-47, 26 NJPER 59, 60 (¶31020 1999); Parsippany Troy Hills Tp., 20 NJPER at 280; No. Hudson Reg. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000).

The amendment of certification is essentially used to record a name change in the exclusive representative. The record shows that the Petitioner has met all of the requirements for amendment of certification and has afforded the membership of the certified representative with adequate due process. There was adequate advance notice of the election to permit members the opportunity to discuss the issue prior to the vote and, subsequently, members were allowed to participate in a secret ballot election on the proposed affiliation. Further, the Association's officers and the structure of the negotiations unit have remained unchanged since the Association's affiliation with Council 18. The Board and the Association do not oppose the proposed amendment.

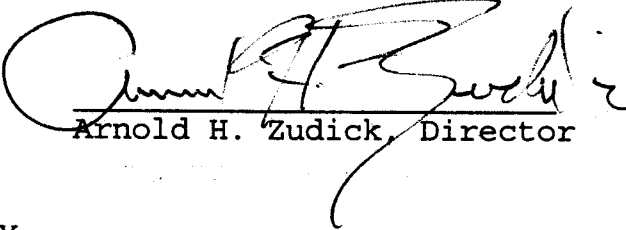
Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Cumberland Supervisors Association, affiliated with New

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Jersey Civil Service Association, Cumberland County Council No.
18.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: November 29, 2004
Trenton, New Jersey

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by December 13, 2004.