

D.R. No. 2008-5

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

In the Matter of

VILLAGE OF RIDGEWOOD,

Public Employer,

-and-

Docket No. AC-2008-001

VILLAGE OF RIDGEWOOD SUPERVISORS
GROUP,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative to reflect an affiliation with Local 1N, United Service Workers Union, IUJAT. The Director finds that the petitioner has complied with the requirements set forth in N.J.A.C. 19:11-1.6. The Certification of Representative is amended to reflect the majority representative as the Village of Ridgewood Supervisors Group, affiliated with Local 1N, United Service Workers Union, IUJAT.

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Appearances:

For the Public Employer,
James Ten Hoeve, Manager

For the Petitioner,
Richard M. Greenspan, P.C., attorney

DECISION

On December 4, 2007 the Village of Ridgewood Supervisors Group (Petitioner) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission).

N.J.A.C. 19:11-1.6. The Petitioner seek to amend its Certification of Representative to reflect its affiliation with Local 1N, United Service Workers Union, IUJAT (Local 1N).

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the Village of Ridgewood, does not oppose the petition. There are no substantial, material facts in dispute which would require a hearing. N.J.A.C. 19:11-2.6(c)(5).

I make the following:

FINDINGS OF FACT

On October 16, 1995 the Commission certified the Petitioner as the exclusive representative of a unit of all regularly employed supervisory employees of the Village of Ridgewood. (Docket No. RO-96-12).

The Petitioner has submitted an affidavit of its President, Ferd Gregory Spohn, detailing the procedures it followed concerning the affiliation:

1. On October 3, 2007, Mr. Spohn posted on the employee bulletin board and hand distributed a "Special Membership Meeting" notice informing the unit members of a special election scheduled for October 23, 2007 to affiliate the Village of Ridgewood Supervisors Group with Local 1N, United Service Workers Union, IUJAT.

2. On October 23, 2007, a secret ballot vote was conducted to determine whether a majority of the unit members wished to be affiliated with Local 1N, United Service Workers Union, IUJAT.

3. The result of the affiliation election was that a majority voted to affiliate with Local 1N, United Service Workers Union, IUJAT. Specifically, all 10 bargaining unit members voted and the tally was nine votes in favor of the affiliation and one vote opposed.

4. The composition and approximate size of the negotiations unit represented by the Village of Ridgewood Supervisors Group has continued unchanged since the affiliation vote was taken.

5. The officers of the Village of Ridgewood Supervisors Group remain unchanged.

On December 24, 2007, receiving the affidavit referenced above, we advised the Authority about the proposed amendment. The Authority did not oppose the petition.

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; County of Union, D.R. No. 2005-7, 30 NJPER 496 (¶169 2004); 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 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 and adequate notice of the election, as evidenced by an attached copy of a notice of election and a statement of the date of the notice and the manner in which it was provided to members;

2. The election was conducted by secret ballot, as evidenced by an attached copy of the ballot, and was held within six months of the filing of the petition;

3. A majority voted in favor of the change in name and affiliation, as evidenced by a document setting forth the results; and

4. The organization's officers and the unit structure remain unchanged.

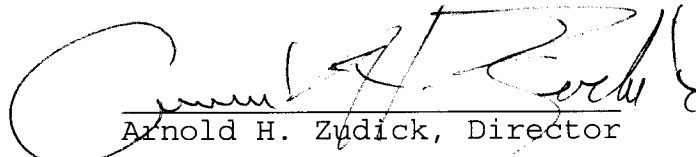
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, 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).

I am satisfied that the Petitioner has met all of the requirements for amendment of certification and has afforded its members adequate due process. There was appropriate 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 Petitioner's officers and the

structure of the negotiations unit have remained unchanged since the affiliation with Local 1N.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Village of Ridgewood Supervisors Group, affiliated with Local 1N, United Service Workers Union, IUJAT.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: January 11, 2008
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 January 22, 2008.