

D.R. No. 2010-7

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

In the Matter of

GLEN ROCK PUBLIC LIBRARY,

Public Employer,

-and-

Docket No. RO-2010-008

COMMUNICATION WORKERS OF AMERICA  
LOCAL 1031,

Petitioner.

SYNOPSIS

The Director of Representation orders that Communication Workers of America Local 1031 (CWA) be certified as the exclusive representative of non-supervisory, professional and non-professional, white collar employees and blue collar employees employed by Glen Rock Public Library, based upon a card check. The authorization cards accompanying the petition appropriately denoted professional employees' desire to be included in a unit with non-professional employees, fulfilling the vote required by N.J.S.A. 34:13A-6(d). The Library did not object to the CWA's petition but refused to sign a Stipulation of Appropriate Unit. Since the New Jersey Employer-Employee Relations Act provides for certification by card check, and the Petitioner complied with the card check rules, the Director certified the CWA as the majority representative for the unit in question.

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Petitioner.

Appearances:

For the Public Employer,  
Roslyn Pelcyger, Director

For the Petitioner,  
Rene Garzon, Organizer

DECISION

On August 21, 2009, the Communication Workers of America, Local 1031 (CWA) filed a representation petition for card check certification seeking to represent a unit of non-supervisory, professional and non-professional, white collar employees and blue collar employees employed by Glen Rock Public Library (Library). The petition was accompanied by authorization cards from a majority of the petitioned-for unit employees, including those which appropriately denoted the professional employees' desire to be included in a unit with non-professional

employees.<sup>1/</sup> No other labor organization claimed an interest in representing the employees.

The Library has not objected to the CWA's petition, but refuses to sign a Stipulation of Appropriate Unit form allowing continued processing of the petition.

We have conducted an administrative investigation into this matter to determine the facts. The disposition of the petition is properly based upon our administrative investigation. No substantial and disputed material facts require us to convene an evidentiary hearing. N.J.A.C. 19:11-2.2 and 2.6. I find the following facts.

On August 25, 2009, we provided Notices to Employees, advising that the CWA had submitted a petition for certification by card check. The Library has certified that it posted the notices for the required ten-day period. On August 26, 2009, at our request, the Library submitted a list of the employees sought by the CWA. We have compared the names submitted on authorization cards with those provided on the Library's list and determined that a majority of unit employees have signed authorization cards for the CWA and a majority of professional employees wish to be included in a unit with non-professional employees.

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<sup>1/</sup> A majority of professional employees voted to be included in a unit with non-professional employees, fulfilling the vote required by N.J.S.A. 34:13A-6(d).

On September 8, 2009, the assigned Commission staff agent forwarded to each party's representative a proposed Stipulation of Appropriate Unit form setting forth the petitioned-for unit description with spaces allotted for the signatures of the parties' designated representatives. During a telephone conference on September 9, 2009, the Library agreed to the Stipulation, but has refused or failed to return an executed copy of the form. On September 25, 2009, the agent again requested the signed form from the Library. No response has been filed.

#### ANALYSIS

On July 19, 2005, our Legislature amended the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3, authorizing the Commission to certify a majority representative when: (a) a majority of employees in an appropriate unit have signed authorization cards designating that organization as their negotiations representative; and (b) no other employee representative seeks to represent those employees. N.J.A.C. 19:11-2.6(b).

The Library has not responded to the CWA's petition for card check certification and has not asserted any objection nor filed any letter contesting the petition or the proposed Stipulation of Appropriate Unit form.

The Legislature has determined that a check of an organization's authorization cards signed by a majority of

employees in an appropriate unit is a lawful method to determine a majority representative. Our review of the CWA's authorization cards shows that it has submitted cards from a majority of the petitioned-for employees. The employees' signatures on the cards meets the intent of the statute and the rules. Accordingly, the CWA is entitled to a certification based upon a card check (N.J.S.A. 34:3A-5.3), regardless of the Library's failure to submit a signed Stipulation of Appropriate Unit form. See Passaic County Prosecutor's Office, D.R. No. 2006-15, 32 NJPER 107 (¶51 2006); Atlantic County Prosecutor's Office, D.R. No. 2007-2, 32 NJPER 264 (¶108 2006).

I find that the following unit is appropriate:

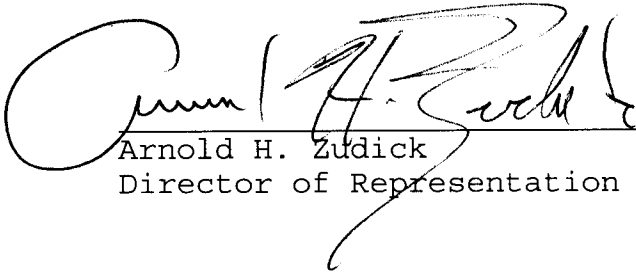
Included: All regularly employed non-supervisory, professional and non-professional, white collar employees and blue collar employees employed by Glen Rock Public Library.

Excluded: Managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, police employees, casual employees, and all other employees employed by Glen Rock Public Library.

#### ORDER

I certify the Communication Workers of America, Local 1031, based upon its authorization cards, as the exclusive

representative of the negotiations unit described above<sup>2/</sup>.



Arnold H. Zudick  
Director of Representation

DATED: October 15, 2009  
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 October 26, 2009.

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<sup>2/</sup> The formal certification is attached.

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-and-

CWA LOCAL 1031,  
Petitioner.

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> DOCKET NO. RO-2010-008  
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**CERTIFICATION OF REPRESENTATIVE  
BASED UPON AUTHORIZATION CARDS**

In accordance with the New Jersey Employer-Employee Relations Act, as amended, and the Rules of the Public Employment Relations Commission, we have conducted an investigation into the Petition for Certification filed by the above-named Petitioner. The Petitioner has demonstrated by card check that a majority of the unit employees described below have designated the Petitioner as their exclusive representative for purposes of collective negotiations, and, no other employee organization has expressed a valid interest in representing these employees.

Accordingly, **IT IS HEREBY CERTIFIED** that

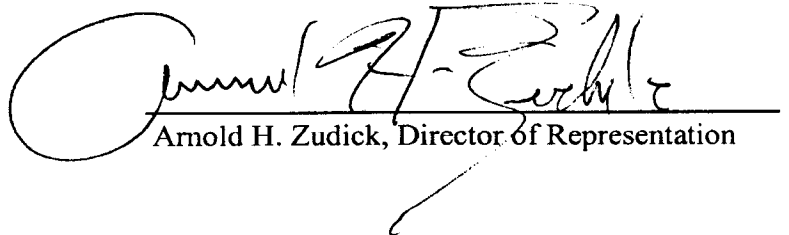
**CWA LOCAL 1031**

is now the exclusive representative of all the employees included below for the purposes of collective negotiations with respect to terms and conditions of employment. The representative is responsible for representing the interests of all unit employees without discrimination and without regard to employee organization membership. The representative and the above-named Employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment as required by the Act.

**UNIT: Included:** All regularly employed non-supervisory, professional and non-professional, white collar employees and blue collar employees employed by Glen Rock Public Library.

**Excluded:** Managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, police employees, casual employees, and all other employees employed by Glen Rock Public Library.

**DATED:** October 15, 2009  
Trenton, New Jersey

  
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Arnold H. Zudick, Director of Representation

**Attachment:**

**Certification of Representative dated:** October 15, 2009

**In the Matter of**

GLEN ROCK PUBLIC LIBRARY

-and-

CWA LOC 1031

Docket No. RO-2010-008

**Service on the following:**

Roslyn Pelcyger  
Director  
Glen Rock Library  
315 Rock Rd  
Glen Rock, NJ 07452

Rene Garzon  
Organizer  
CWA Loc 1031  
84 Culver Rd  
Monmouth Junction, NJ 08852