

D.R. NO. 2017-8

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

In the Matter of

IRVINGTON HOUSING AUTHORITY,

Public Employer,

-and-

Docket No. AC-2016-009

SERVICE EMPLOYEES INTERNATIONAL UNION
(SEIU) LOCAL 617,

Petitioner.

SYNOPSIS

The Director of Representation grants an Amendment of Certification requested by the Service Employees International Union, Local 617 to reflect its affiliation with Laundry, Distribution and Food Service Joint Board, Workers United/SEIU. SEIU Local 617 complied with the necessary requirements and the Housing Authority of the Township of Irvington did not oppose the amendment. Accordingly, Laundry, Distribution and Food Service Joint Board, Workers United/SEIU is the exclusive representative of the unit.

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Petitioner.

Appearances:

For the Respondent
David Brown, Executive Director
Irvington Housing Authority

For the Petitioner
Alma C. Henderson, Esq., SEIU
Lead Counsel for Internal Governance

DECISION

On June 14, 2016, Service Employees International Union Local 617 (SEIU) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission). N.J.A.C. 19:11-1.6. The Petitioner seeks to amend the Certification of Representative to reflect an affiliation with and change in name to Laundry, Distribution and Food Service Joint Board, Workers United/SEIU.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer does not

oppose the petition. There are no substantial and material facts in dispute which would require a hearing. N.J.A.C. 19:11-2.6(d)(5).

I make the following:

FINDINGS OF FACT

On March 10, 1995, (Docket Nos. RO-95-163 and RO-95-166, respectively), the Commission certified the Petitioner as the exclusive representative of the following two units:

Docket No. RO-95-163

Included: All senior building maintenance workers, building maintenance workers, including electricians, plumbers and security employees; and clerk typist employees employed by the Irvington Housing Authority.

Excluded: Managerial executives, confidential employees, supervisory employees within the meaning of the Act, including enforcement supervisor, maintenance supervisor, supervisor of boiler operators, supervisor of leased housing, housing quality inspector; craft employees-boiler operators, police and fire employees, and all other employees employed by the Irvington Housing Authority.

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Included: All non-supervisory boiler operators employed by the Irvington Housing Authority.

Excluded: Managerial executives, confidential employees, supervisory employees within the meaning of the Act, including supervisor of boiler operators, professional employees, police and fire employees and all other employees employed by the Irvington Housing Authority.

The Petitioner has submitted an affidavit from Alma C.

Henderson, Esq., SEIU Lead Counsel for Internal Governance, dated

June 7, 2016, detailing the procedures followed concerning the change in affiliation, as follows:

1. On or about March 28, 2016, the Petitioner mailed notice of a union meeting to all members employed by the Irvington Housing Authority. Members were informed that a discussion of and vote concerning affiliation with Laundry, Distribution and Food Service Joint Board, Workers United/SEIU would take place on April 12, 2016, at 12:30 PM at the Housing Authority Community Room, 624 Nye Avenue, Irvington, New Jersey. (Exhibit A, Henderson affidavit)

2. At the meeting conducted on April 12, 2016, unit members were given an opportunity to discuss, and then vote by secret ballot on the question of affiliation with Laundry, Distribution and Food Service Joint Board, Workers United/SEIU.

3. Copies of the ballots were appended to Henderson's affidavit as Exhibit B.

4. The tally of the secret ballots reflects that there were nine votes in favor of the change in affiliation, and none opposed. (Exhibit C, Henderson affidavit)

5. Since the vote to amend the Certification, the officers, unit structure and composition have remained unchanged, with the exception of the retirement of Trustee Robert Kirkman on August 1, 2016.

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. No. 85-60, 11 NJPER 91 (¶16039 1985). Pursuant to N.J.A.C. 19:11-1.6(c), such a petition must 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 the ballots cast which set forth the results; and

4. The organization's officers and the unit structure remain unchanged, except for the retirement of Trustee Robert Kirkman subsequent to the filing of this Petition and the vote on a change in name and affiliation.

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 Req. 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 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 change in affiliation.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now

Laundry, Distribution and Food Service Joint Board, Workers
United/SEIU.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION

/s/Gayl R. Mazuco
Gayl R. Mazuco, Esq.

DATED: November 10, 2016
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.

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3. Copies of the ballots were appended to Henderson's affidavit as Exhibit B.

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5. Since the vote to amend the Certification, the officers, unit structure and composition have remained unchanged, with the exception of the retirement of Trustee Robert Kirkman on August 1, 2016.

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. No. 85-60, 11 NJPER 91 (¶16039 1985). Pursuant to N.J.A.C. 19:11-1.6(c), such a petition must 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:

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3. A majority voted in favor of the change in name and affiliation, as evidenced by the ballots cast which set forth the results; and

4. The organization's officers and the unit structure remain unchanged, except for the retirement of Trustee Robert Kirkman subsequent to the filing of this Petition and the vote on a change in name and affiliation.

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 Req. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000).

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Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now

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BY ORDER OF THE DIRECTOR
OF REPRESENTATION

/s/Gayl R. Mazuco
Gayl R. Mazuco, Esq.

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