

E.D. NO. 57

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF ROSELAND,

Public Employer,

-and-

Docket No. RO-864

TEAMSTERS LOCAL NO. 97 OF NEW JERSEY

I.B.T.,

Petitioner

SYNOPSIS

In the absence of disputed factual issues, the Executive Director directs an election in a unit of municipal department of public works employees on the basis of an administrative investigation. In response to the petition the public employer simply indicated that it did not have sufficient information to enable it to consent to an election.

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DECISION AND DIRECTION OF ELECTION

A Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission by Teamsters Local No. 97 of New Jersey I.B.T. with respect to a unit of all employees of the Department of Public Works of the Borough of Roseland, excluding all clericals and supervisors. The undersigned has caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. Both parties have been advised of their obligation under Rule Section 19:11-1.12, and have been afforded an opportunity thereunder, to present to the undersigned documentary and other evidence, as well as statements of position, relating to the Petition. 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 to the undersigned that no substantial and material factual issues exist which may more appropriately be resolved after a hearing. Pur-

suant to Rule Section 19:11-1.12(c) 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 Borough of Roseland is a public employer within the meaning of the Act and is subject to its provisions.

3. Teamsters Local No. 97 of New Jersey I.B.T. is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Borough of Roseland refuses to recognize the Petitioner as the exclusive representative of certain Borough employees. Accordingly, a question concerning the representation of public employees exists and this matter is properly before the undersigned for determination.

5. The sole response of the Borough of Roseland with respect to the Petition was that the members of the Borough Council "do not have sufficient information which would enable them to consent to an election and they will, therefore, take no action" and that the Public Employment Relations Commission should "proceed as they see fit, to determine if there is a need for such an election." In view of the foregoing, the undersigned shall direct an election in the following appropriate unit: "All employees of the Department of Public Works of the Borough of Roseland, excluding managerial executives, supervisors, clerical employees, confidential employees, professional employees, craft employees, and policemen within the meaning of the Act."

6. The undersigned directs that a secret-ballot election be conducted in the unit found appropriate. The election shall

be conducted no later than thirty (30) days from the date set forth below.

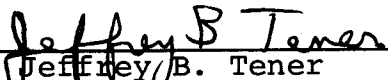
Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. The Commission requires the submission of an alphabetical list of all eligible voters along with their job titles at least seven days prior to the election. Accordingly, the public employer is hereby directed to submit such list to the Executive Director and to the employee organization which will appear on the ballot as set forth below. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by Teamsters Local No. 97 of New Jersey I.B.T.

The majority representative shall be determined by a majority of the valid ballots cast. The election directed herein shall be conducted in accordance with the provisions of the Commission's Rules and Regulations and Statement of Procedure.

BY ORDER OF THE EXECUTIVE DIRECTOR

DATED: Trenton, New Jersey  
December 10, 1974

  
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Jeffrey B. Tener  
Acting Executive Director