

B.D. NO. 64

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF WANAQUE,

Public Employer,

and

TEAMSTERS LOCAL #97 OF NEW JERSEY,

Petitioner,

and

COUNCIL 52, A.F.S.C.M.E., AFL-CIO,

Intervenor.

Docket No. RO-895

SYNOPSIS

In the absence of disputed factual issues, the Executive Director directs an election in a unit of municipal blue collar employees on the basis of an administrative investigation. Although the public employer would consent to an election, the incumbent employee organization would not. The incumbent indicated a desire to "clarify questions concerning the bargaining unit", but did not expand upon this statement.

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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 on September 27, 1974 with the Public Employment Relations Commission by Teamsters Local #97 of New Jersey (the "Teamsters")<sup>1/</sup> with respect to a unit composed of the approximately 14 non-supervisory blue collar employees employed by the Borough of Wanaque (the "Borough") within the Roads and Water Departments.<sup>2/</sup> A motion to intervene was filed by Council 52, A.F.S.C.M.E., AFL-CIO ("Council 52"), supported by a then existing agreement with the Borough covering the employees in the unit petitioned for by the Teamsters. The

<sup>1/</sup> The Petition was timely filed within 90 and 120 days prior to the December 31, 1974 expiration date of the agreement then covering the petitioned for employees. Rule Section 19:11-1.15(c)(2).

<sup>2/</sup> Although the petition indicated that the employees sought were within the Department of Public Works, investigation reveals that there is no Department of Public Works but that the employees sought are within the Departments of Roads and Sewers. This corresponds with the unit represented by the intervenor in the 1973-1974 agreement.

undersigned has caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. All 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. Pursuant 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 Wanaque is a public employer within the meaning of the Act and is subject to its provisions.

3. Teamsters Local #97 of New Jersey and Council 52, A.F.S.C.M.E., AFL-CIO are employee representatives within the meaning of the Act and are subject to its provisions.

4. The Borough has indicated in writing that it has no objection to consenting to a secret ballot election to be conducted by the Commission among the petitioned for non-supervisory blue collar employees employed by the Borough within its Roads and Water Departments. Council 52, however, has indicated in writing that it will not consent to a secret ballot election. Accordingly, a question concerning the representation of public employees exists and this matter

is properly before the undersigned for determination.

5. The motion to intervene filed by Council 52 is hereby formally granted.

6. The blue collar unit sought by the Teamsters is prima facie appropriate for the purpose of collective negotiations. No specific contention to the contrary has been advanced by any party, although in expressing its unwillingness to consent to an election Council 52 has stated generally that it seeks to "clarify questions concerning the bargaining unit." Although afforded an opportunity to proffer evidence and/or statements of position with respect to this and all other issues relevant to the Petition, Council 52 has not expanded upon the foregoing.

Accordingly, the undersigned shall direct an election in the following appropriate unit: "All blue collar employees employed by the Borough of Wanaque, within the Roads and Water Departments excluding managerial executives, confidential employees, professional employees, craft employees, policemen, and supervisors within the meaning of the New Jersey Employer-Employee Relations Act."

7. 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. Employees must appear in person at

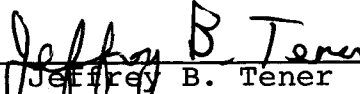
the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to Rule Section 19:11-2.7 the public employer is directed to file with the undersigned an election eligibility list, consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. Such list must be received by the undersigned no later than ten (10) days prior to the date of the election. The undersigned shall make the eligibility list immediately available to all parties to the election. Failure to comply with the foregoing shall be grounds for setting aside the election upon the filing of proper post-election objections pursuant to the Commission's Rules.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by Teamsters Local #97 of New Jersey, Council 52, A.F.S.C.M.E., AFL-CIO, or Neither.

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

  
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Jeffrey B. Tener  
Executive Director

DATED: Trenton, New Jersey  
January 22, 1975