

D.R. NO. 86-15

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

In the Matter of

TOWNSHIP OF WASHINGTON,

Public Employer

-and-

Docket No. RO-86-76

WASHINGTON TOWNSHIP POLICE
DISPATCHERS ASSOCIATION,

Petitioner.

Synopsis

The Director of Representation orders that an election be conducted in a negotiations unit of police dispatchers. The Township had refused to consent to an election on the basis that it did not want the dispatchers to be organized for collective negotiations. The Director of Representation found the unit sought to be prima facie appropriate and concluded that an election should be conducted to determine the representational desires of the employees.

D.R. NO. 86-15

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

In the Matter of

TOWNSHIP OF WASHINGTON,

Public Employer,
-and-

Docket No. RO-86-76

WASHINGTON TOWNSHIP POLICE
DISPATCHERS ASSOCIATION,

Petitioner.

Appearances

For the Public Employer
Louis Bezich, Administrator

For the Petitioner
Margaret Price, President

DECISION AND DIRECTION OF ELECTION

On November 12, 1985, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission ("Commission") by the Washington Township Police Dispatchers Association ("Association"), which is seeking to represent certain employees employed by the Township of Washington ("Township"). By its petition, which is supported by an adequate showing of interest, the Association seeks a collective negotiations unit consisting of all full-time dispatchers.

The petitioned-for unit consists of five full-time police dispatchers, all of whom are sworn as "special police officers."

The Township also employs certain individuals to act as substitute dispatchers to fill in for regular dispatchers when they are out ill or on vacation. Due to the irregular nature of the substitute dispatchers' employment, the Association is not seeking their inclusion in the unit.

The petitioned-for employees are not presently represented by any other employee representative.

The Petitioner contends that the petitioned-for unit constitutes a prima facie appropriate unit and that a secret ballot election should be conducted in order to ascertain the free choice of the petitioned-for employees.

At the investigatory conference, the Association signed an Agreement for Consent Election providing for an election to be conducted among the employees in the petitioned-for unit. The Township Administrator and Township attorney indicated that they did not have the authority to enter into such an Agreement, but would present the Agreement for Consent Election to the Mayor and Council. Subsequently, the Township advised the Commission that it would not agree to a secret ballot election because it would prefer not to have the Township's dispatchers organized for the purpose of collective negotiations.

N.J.S.A. 34:13A-5.3 provides in part:

Except as hereinafter provided, public employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity....

The Township's expressed position that it does not prefer to have its dispatchers organized does not constitute a sufficient basis to deny employees the representational rights guaranteed to them by §5.3 of the Act. The Borough has refused to consent to an election yet has set forth no facts showing why an election should not be conducted herein. See In re Borough of Haddonfield, D.R. No. 83-13, 8 NJPER 588 (¶ 13273 1982); In re Borough of Interlaken, D.R. No. 86-9, 11 NJPER 57 (¶17022 1985).

Accordingly, I direct that an election be conducted in the unit of all full-time police dispatchers employed by the Township of Washington, excluding regular police officers, confidential employees, supervisors within the meaning of the Act, managerial executives and nonpolice employees. The election shall be conducted by mail ballot pursuant to N.J.S.A. 34:13A-2.6(b)(3).

Those eligible to vote are the employees set forth above who were employed during the payroll period immediately preceding the date of this decision, including employees who did not work during that period because they were out ill, on vacation, temporarily laid off, or in military service. Employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date are ineligible to vote.

I direct the Township to simultaneously file with me and the Washington Township Police Dispatchers Association, an eligibility

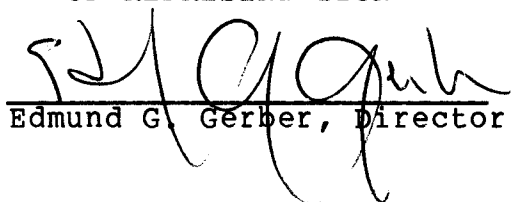
list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles, pursuant to N.J.A.C. 19:11-9.6. The Township shall also file with me an accompanying proof of service. I must receive the eligibility list no later than ten (10) days prior to the date of the mailing of the ballots. I shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Ballots shall be mailed by the Commission to the eligible voters on March 31, 1986. Ballots must be received by the Commission by 9 a.m. on April 18, 1986. Ballots shall be counted by the Commission at 10 a.m. on April 18, 1986.

Those eligible to vote shall vote on whether they wish to be represented for the purpose of collective negotiations by the Washington Township Police Dispatchers or no union.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: March 10, 1986
Trenton, New Jersey