

D.R. NO. 93-6

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

In the Matter of

TOWNSHIP OF FREEHOLD,

Public Employer,

-and-

PESU, LOCAL 702,

Docket No. RO-93-37

Petitioner.

-and-

TEAMSTERS INDUSTRIAL AND ALLIED
WORKERS UNION, LOCAL 97,

Intervenor.

SYNOPSIS

The Director of Representation orders an election among all blue collar employees employed by Freehold Township's public works and water and sewer departments, pursuant to a petition filed by Public Service Employees Union, Local 702. The intervenor, Teamsters Local 97, refused to consent to an election but did not give any reason.

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Appearances:

For the Public Employer,
Gerald Dorf, of counsel

For the Petitioner,
Gregory Feeney, Bus. Rep.

For the Intervenor,
Arnold Ross, President

DECISION

On September 11, 1992 the Public Employees Service Union, Local #702 filed a timely Representation Petition with the Public Employment Relations Commission seeking to represent all blue collar employees employed by the Freehold Township Water/Sewer and Public Works Departments. On October 26, 1992 the Teamsters Industrial and Allied Workers Union, Local 97, requested to intervene in this matter on the basis of its current agreement as representative of

the petitioned-for employees. The Township will consent to a secret ballot election, however the Teamsters refuse to consent.

We have conducted an administrative investigation to determine the facts. See N.J.A.C. 19:11-2.2.

It appears that there are no factual issues in dispute. The Petition is timely filed and supported by an adequate showing of interest. The petitioned-for employees are represented by Local 97 in an appropriate unit. The most recent negotiations agreement between the Township and Local 97 expires on December 31, 1992. The petitioned-for unit -- all non-supervisory blue collar employees employed by the Township in its departments of water/sewer and public works -- is prima facie appropriate.

The Teamsters gave no reason for their refusal to consent to an election. Since no substantial and material factual issues have been placed in dispute, I direct that an election be conducted among the Township's non-supervisory blue collar employees to determine whether they wish to be represented for the purpose of collective negotiations by the Public Employees Service Union, Local #702; the Teamsters Industrial and Allied Workers Union, Local 97; or no representative.

Those eligible to vote shall be:

INCLUDED: all blue collar employees employed by the Freehold Township's departments of public works and water/sewer.


EXCLUDED: all other employees, all employees represented by other negotiations units, managerial executives, confidential employees, craft employees, police, firefighters, professional employees and supervisors within the meaning of the Act

The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are 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.

Pursuant to N.J.A.C. 19:11-9.6, the public employer is directed to file with us an eligibility list consisting of an alphabetical listing of the names of all eligible voters in the units, together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

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

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: November 18, 1992
Trenton, New Jersey