

D.R. NO. 81-14

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

In the Matter of

CITY OF BORDENTOWN,

Public Employer,

-and-

DOCKET NO. RO-81-59

ASSOCIATION OF POLICE OFFICERS
OF THE CITY OF BORDENTOWN,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation and in the absence of substantial and material disputed factual issues, directs an election among sergeants and patrolmen of the City of Bordentown to determine whether they desire to be represented for the purposes of collective negotiations.

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Appearances:

For the Public Employer
Honorable Joseph R. Malone, III, Mayor

For the Petitioner
Jeffrey A. Buchanan, Recording Secretary

DECISION AND DIRECTION OF ELECTION

On September 15, 1980, a Petition of Certification of Public Employee Representative, accompanied by an adequate showing of interest, was filed by the Association of Police Officers of the City of Bordentown (the "Association") with respect to certain employees employed by the City of Bordentown (the "City"). ^{1/} The undersigned has caused an

^{1/} The Association seeks to represent employees in a proposed negotiations unit described as follows: "Included: All sergeants and patrolmen. Excluded: Chief of Police, Deputy Chief of Police and all civilian employees."

administrative investigation to be conducted into the matters and allegations involved in the Petition in order to determine the facts.

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 that no substantial and material factual issues exist which may more appropriately be resolved at a hearing. Pursuant to N.J.A.C. 19:11-2.6(b), 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 City of Bordentown is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of the Petition, and is subject to the provisions of the Act.

3. The Association of Police Officers of the City of Bordentown is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Association seeks to represent a collective negotiations unit of all sergeants and patrolmen of the City and agrees to a secret ballot election to be conducted among the employees.

5. The City has not taken a position as to the appropriateness of the proposed unit nor has it agreed to execute an Agreement for Consent Election.

6. A Petition for Certification of Public Employee Representative having been filed, and the parties not having agreed to a secret ballot election, a dispute exists, and the matter is properly before the undersigned for determination.

On October 20, 1980, the undersigned notified the parties that on the basis of the administrative investigation to date, it appeared that no substantial and material factual issues had been placed in dispute and that a valid question concerning representation exists in a prima facie appropriate unit. The undersigned provided an additional opportunity to all parties to present evidence as well as statements of position relating to the Petition. The undersigned stated that in the absence of any substantial and material factual disputed issues, he would thereafter issue a decision and direction of election. No further evidentiary proffer or statement has been provided to the undersigned.

Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein. Therefore, the undersigned finds that the appropriate unit for collective negotiations is: All sergeants

and patrolmen employed by the City of Bordentown, but excluding the Chief of Police, Deputy Chief of Police, all civilian employees, managerial executives, confidential employees, professional and craft employees, and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the 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 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 the undersigned and with the Association of Police Officers of the City of Bordentown 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. In order to be timely filed,

the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed with the Association of Police Officers of the City of Bordentown with statement of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by the Association of Police Officers of the City of Bordentown.

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

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: October 31, 1980
Trenton, New Jersey