

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

In the Matter of

HOUSING AUTHORITY & URBAN
REDEVELOPMENT AGENCY OF THE
CITY OF ASBURY PARK,

Public Employer,

-and-

DOCKET NO. RO-79-190

MONMOUTH COUNCIL #9, NEW JERSEY
CIVIL SERVICE ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs the conduct of a secret ballot election among nonprofessional employees of the Housing Authority and Urban Redevelopment Agency of the City of Asbury Park, to determine whether the employees desire to be represented for the purpose of collective negotiations by the Monmouth Council #9, New Jersey Civil Service Association. The unit of employees is prima facie appropriate. Further, the Petition is supported by an adequate showing of interest. The employer has not provided a statement of position concerning the appropriateness of the unit and no substantial and material factual issues are in dispute.

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Appearances:

For the Public Employer
Kenneth E. Nixon, Jr., Executive Director

For the Petitioner
Robert Yeager, Business Agent

DECISION AND DIRECTION OF ELECTION

On March 16, 1979, a Petition for Certification of Public Employee Representative, accompanied by an adequate showing of interest, was timely filed with the Public Employment Relations Commission (the "Commission") by Monmouth Council #9, New Jersey Civil Service Association (the "Association") with respect to certain non-professional employees employed by the

Asbury Park Housing Authority (the "Authority"). ^{1/} The undersigned has caused an 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 after an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.6(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 Housing Authority and Urban Redevelopment Agency of the City of Asbury Park 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 this Petition, and is subject to the provisions of the Act.

^{1/} As originally filed, the Association sought a unit described as: "Included: All White Collar, Maintenance and Crafts, Repairer, Boiler Repairer, Clerk Typist, Senior Clerk Typist, Clerk Bookkeeper, Cashier, Housing Guard. Excluded: All other employees of the City of Asbury Park, New Jersey."

At a conference held on June 25, 1979, the Association agreed to a unit definition as follows: Including: All nonprofessional employees employed by the Housing Authority and Urban Redevelopment Agency of the City of Asbury Park. Excluding: All other employees including professionals, managerial executives, confidentials, police, craft workers and supervisors within the meaning of the Act.

3. Monmouth Council #9, New Jersey Civil Service Association is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Association seeks to represent a unit of all nonprofessional employees of the Authority and agrees to a secret ballot election to be conducted among the employees.

5. The Authority was requested on March 27, 1979, to provide certain information to the undersigned including: (1) an alphabetized list of employees described in the Petition together with their job classifications for the payroll period immediately preceding receipt of the copy of the Petition, and (2) a written statement of position concerning whether it would consent to a secret ballot election to be conducted by the Commission among the employees set forth in the Petition.

6. The Authority has certified that the Commission's standard Notice to Public Employees has been posted but has declined to provide a list of employees and has declined to provide a statement as to whether it agrees to a secret ballot election. In its letter of April 9, 1979, the Authority stated that it "would like to see a list of names of the individuals that have shown interest in participating in Monmouth Council #9." The Authority has not taken a position as to the appropriateness of the proposed unit.

7. On May 17, 1979, the assigned staff member conducted an informal conference with representatives of the Authority and the Association. As a result of that conference, representatives

of the Association were invited to meet with the Authority on June 6, 1979 to explore the possibility of the Authority granting voluntary recognition to the Association. The parties were not able to reach an agreement at their meeting and, at a conference held on June 25, 1979, the Association advised that it had not to date received recognition by the Authority. The Association requested that the Commission proceed with the instant certification proceeding.

8. The Association has provided a valid showing of interest.

9. Accordingly, a Petition for Certification of Public Employee Representative having been filed and there being no agreement for the conduct of a secret ballot election, a dispute exists and the matter is appropriately before the undersigned for determination.

10. On July 13, 1979, the undersigned notified the parties that, based on 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 existed in an appropriate unit. The undersigned provided an additional opportunity to all parties to present documentary and other evidence as well as statements of position relating to the Petition. The undersigned stated that in the absence of any substantial and material disputed factual issues, he would thereafter issue a decision and direction of election herein. No further evidentiary

proffer or statements have been submitted by the parties.

Therefore, the undersigned determines that the petitioned-for unit, comprised of all nonprofessional employees employed by the Authority, is a prima facie appropriate collective negotiations unit and that a secret ballot election should be conducted to ascertain whether the individuals who comprise this proposed unit desire or do not desire to be represented by the Association.

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 nonprofessional employees employed by the Housing Authority and Urban Redevelopment Agency of the City of Asbury Park, but excluding managerial executives, confidential employees, craft employees, professional employees, police 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

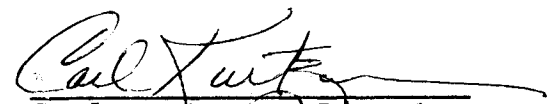
laid off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to N.J.A.C. 19:11-9.6, the Authority is directed to file with the undersigned and with the Association 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 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 Monmouth Council #9, New Jersey Civil Service Association.

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: July 26, 1979
Trenton, New Jersey