

E.D. NO. 65 - Decision & Direction of Election

Cinnaminson Sewerage Authority

and

Council 71, AFSCME, AFL-CIO

Docket No. RE-42

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E.D. NO. 65

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CINNAMINSON SEWERAGE AUTHORITY,  
Public Employer-Petitioner

and

Docket No. RE-42

COUNCIL 71, A.F.S.C.M.E., AFL-CIO  
Incumbent Organization

SYNOPSIS

The Executive Director directs an election in a unit of blue-collar employees of the Cinnaminson Sewerage Authority in the absence of a dispute regarding substantial and material factual issues. The public employer has filed a petition alleging a good faith doubt concerning the majority representative of its employees. This doubt is based upon receipt of a letter addressed to it apparently signed by all of its blue-collar employees which states, in part, that they no longer desire to be represented for purposes of collective negotiations by Council No. 71, AFSCME, AFL-CIO. Council No. 71 had been certified as the majority representative of the employees in this unit just over one year prior to the filing of the instant petition.

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DECISION AND DIRECTION OF ELECTION

A Petition for Certification of Public Employee Representative (Public Employer petition) was filed on December 18, 1974 with the Public Employment Relations Commission by the Cinnaminson Sewerage Authority (the "Authority") with respect to approximately nine non-supervisory blue-collar employees employed by the Authority. Council No. 71, American Federation of State, County and Municipal Employees, AFL-CIO ("Council No. 71"), had been certified on December 13, 1973, as the exclusive representative of all the non-supervisory blue-collar employees employed by the Authority for the purposes of collective negotiations with respect to terms and conditions of employment.<sup>1/</sup>

The Authority asserted in a letter accompanying its Petition that it had a good faith doubt as to whether Council No. 71 continued to represent a majority of the employees in the negotiating unit previously certified by the Commission. In support of its contention, the Authority enclosed a letter addressed to it signed

1/ The Petition filed by the Authority was timely filed pursuant to Section 19:11-1.15(b) of the Commission's Rules. No collective negotiating agreement was ever entered into between the Authority and Council No. 71.

by apparently all of its regularly employed blue-collar employees stating, in part, that they no longer desired to be represented for purposes of collective negotiations by Council No. 71.

The 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 Cinnaminson Sewerage Authority is a public employer representative within the meaning of the Act and is subject to its provisions.

3. Council No. 71, A.F.S.C.M.E., AFL-CIO is an employee representative within the meaning of the Act and is subject to its provisions.

4. The public employer has a good faith doubt concerning the majority representative of its employees based upon receipt of

a letter addressed to it signed by apparently all of its regularly employed blue-collar employees which states, in part, that they no longer desire to be represented for the purposes of collective negotiations by Council No. 71, A.F.S.C.M.E., AFL-CIO. Accordingly, a question concerning the representation of public employees exists and this matter is properly before the undersigned for determination.

5. The negotiating unit that is the subject of the petition filed by the Authority is prima facie appropriate for the purpose of collective negotiations. No specific contention to the contrary has been advanced by Council No. 71, although it has been afforded an opportunity to proffer evidence and/or statements of position with respect to this and all other issues relevant to the Petition.

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

6. 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 continue to be represented for the purposes of collective negotiations by Council No. 71, A.F.S.C.M.E., AFL-CIO.

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, N.J.  
March 11, 1975