

D.R. NO. 97-11

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

In the Matter of

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Public Employer,

-and-

Docket No. RO-97-76

AFSCME COUNCIL 52, AFL-CIO,

Petitioner.

SYNOPSIS

The Director of Representation concludes after an investigation of five voters challenged by the Public Employment Relations Commission that a majority of the valid votes counted has been cast for AFSCME, Council 52, AFL-CIO and a Certification of Representative shall issue.

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Appearances:

For the Public Employer
Courter, Robert, Laufer & Cohen, attorneys
(Fredric M. Knapp, of counsel)

For the Petitioner
Richard Gollin, Director

DECISION

On March 6, 1997, pursuant to a Consent Election Agreement, the Public Employment Relations Commission conducted a representation election for all regularly employed blue collar supervisory employees employed by the Township of Parsippany-Troy Hills.^{1/} 19 ballots were cast, of which 9 ballots were cast for AFSCME, Council 52, AFL-CIO, 5 ballots were cast for no representation, and 5 ballots were challenged. The challenged ballots are determinative of the outcome of the election.

The challenges were exercised by the Commission election officer because the voters names did not appear on the official voter eligibility list supplied by the Township.

^{1/} Pursuant to N.J.S.A. 34:13A-6.

After conducting an investigation,^{2/} I find that four of the challenged voters are ineligible for the following reasons:

1. Mike Kelsey, Supervising Sewage Plant Operator, is a non-supervisory employee;
2. Robert Hesse, Senior Mechanic, is a non-supervisory employee;
3. Richard Kellner, Principal Lab Technician, is a managerial executive;
4. Doug Thompson, Supervisor of Lab Clinical/Water Analysis is a managerial executive.

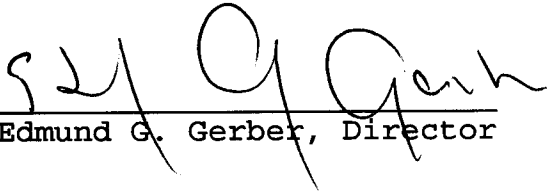
Therefore, these ballots shall remain unopened and shall not be counted in the election.

I conclude that the eligibility of the fifth challenged voter, Martin Ventura, cannot be resolved at this time. However, since the four other challenged voters are not eligible to vote, this fifth ballot is not determinative of the election. Accordingly, an investigation into Ventura's eligibility is unnecessary.

^{2/} Pursuant to N.J.A.C. 19:11-9.2(k), when challenged ballots are sufficient in number to affect the outcome of an election, I am required to conduct an investigation.

A majority of the valid votes counted^{3/} have been cast for AFSCME, Council 52, AFL-CIO and a Certification of Representative shall issue.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: April 4, 1997
Trenton, New Jersey

3/ Including the unresolved challenged ballot.