

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

In the Matter of

BOROUGH OF HADDONFIELD,

Public Employer,

-and-

DOCKET NO. RO-83-16

AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES,  
COUNCIL #71, AFL-CIO,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs that an election be conducted among all blue collar employees to ascertain if these employees wish to be represented by the American Federation of State, County and Municipal Employees, Council #71, AFL-CIO. These blue collar employees are not currently represented. The Borough declined to consent to an election among the petitioned-for employees. The investigation revealed, however, that no substantial and material factual issues exists which could more appropriately be resolved after an evidentiary hearing. The Director concludes that a valid question concerning representation exists in a prima facie appropriate unit so as to permit an election.

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Appearances:

For the Public Employer  
Richard B. Schwab, Borough Administrator

For the Petitioner  
Robert C. Little, Staff Representative

DECISION AND DIRECTION OF ELECTION

On August 19, 1982, a Petition for Certification of Public Employee Representative, accompanied by an adequate showing of interest, was filed by the American Federation of State, County and Municipal Employees, Council #71, AFL-CIO ("Council #71") with respect to all blue collar employees employed by the Borough of Haddonfield (the "Borough"). 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, 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(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 Borough of Haddonfield 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 subject to this Petition, and is subject to the provisions of the Act.

3. The American Federation of State, County and Municipal Employees, Council #71, AFL-CIO, is an employee representative within the meaning of the Act and is subject to its provisions.

4. Council #71 has filed a Petition for Certification of Public Employee Representative seeking to represent a collective negotiations unit of all blue collar employees of the Borough and agrees to a secret ballot election to be conducted among those employees. The Borough's blue collar workers are not currently represented for the purposes of collective negotiations.

5. The Borough does not consent to an election, although it does not dispute the appropriateness of the proposed unit.

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

7. On September 8, 1982 the undersigned advised the parties that a valid question concerning representation appeared to exist in a prima facie appropriate unit and that an election should be conducted

to ascertain the free choice of employees. The undersigned advised of his intent to direct an election in the absence of the submission of any substantial and material factual issues warranting the conduct of an investigatory hearing. An opportunity was provided for the submission of such material. However, no additional submissions have been filed by A.F.S.C.M.E., and the Borough has advised that it will not submit any additional material.

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 blue collar employees employed by the Borough of Haddonfield, 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 Public Employer is directed to file with the undersigned and with Council #71 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 Council #71 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 A.F.S.C.M.E., Council #71, AFL-CIO.

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: September 27, 1982  
Trenton, New Jersey