

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

In the Matter of

BOROUGH OF TINTON FALLS,

Public Employer,

-and-

ARNOLD PERRY,

Docket No. RD-78-1

Petitioner,

-and-

INTERNATIONAL PRODUCTION, SALES & SERVICE  
LOCAL 18,

Employee Representative.

SYNOPSIS

On the basis of an administrative investigation the Director dismisses a decertification petition filed by a public employee. The Employee Representative which had previously been certified by the Commission failed to respond to the Director's inquiries. The failure to participate in the Commission's processes was construed by the Director as a disclaimer of interest by the Employee Representative in further representing the employees. Thus, the Director, finding that a question concerning representation no longer exists, dismisses the decertification petition and states that the Employee Representative is no longer the exclusive representative of the employees in the unit for the purposes of collective negotiations. The Director also revokes the certification previously issued by the Commission to the Employee Representative.

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DECISION

On July 1, 1977, a Petition for Decertification of a Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission") by Mr. Arnold Perry, an employee of the Borough of Tinton Falls (the "Petitioner"). That Petition was accompanied by a valid showing pursuant to N.J.A.C. 19:10-1.1 and N.J.A.C. 19:11-1.3.

Petitioner seeks the decertification of United Trades Independent Local 18 ("Local 18") and its affiliates or successors,<sup>1/</sup> as the exclusive negotiations representative of a unit of all employees of the Road and Sanitation Department of Tinton Falls. Pursuant to the Commission's processes, a decertification petition is filed for the purpose of removing the exclusive representative so that

1/ Petitioner names International Production, Sales and Services, Local 18, as the incumbent organization it is seeking to decertify, inasmuch as it is claimed that in April, 1977, the local shop steward was notified that Local 18, United Trades Independent Union, was now known as Local 18, International Production, Sales & Services.

employees are no longer represented for the purposes of collective negotiations. Thus, the Petition raised a question concerning the representation of the employees in the bargaining unit, and the matter was appropriately before the undersigned for determination.

Accordingly, the undersigned has caused an investigation to be conducted into the matters involved in this Petition. That investigation has revealed the following:

1. As the result of an election conducted by the Commission, United Trades Independent Local 18 was certified as the exclusive representative on May 17, 1974, for the negotiating unit of all maintenance employees employed by the Borough of New Shrewsbury<sup>2/</sup> including laborers, drivers & mechanics.

2. A collective negotiations agreement between the Borough and Local 18, covering all Road and Sanitation Department maintenance employees including laborers, drivers and mechanics, but excluding all other Borough employees was executed on December 31, 1974 and had an expiration date of December 31, 1976. There was no successor agreement to the aforementioned contract, and there is currently no collective negotiations agreement covering the above unit of employees.

3. During the course of the Commission's investigation, the undersigned wrote to Local 18 by letter dated July 5, 1977, requesting a statement of position concerning the Petition for Decertification, including a statement as to whether Local 18 would be willing to consent to an election to be conducted by the Commission among the employees in the unit. Local 18 was also requested to notify all

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<sup>2/</sup> In November, 1975, the name of the municipality was changed to the Borough of Tinton Falls.

interested parties immediately if it did not claim a representation interest among the employees in the unit.

The undersigned has not received a reply to that letter. Several unsuccessful attempts were also made to communicate by telephone with Local 18 at its Irvington office.

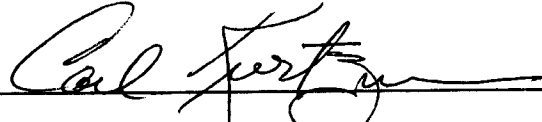
4. By letter dated August 1, 1977, Local 18 was afforded an additional opportunity to submit its statement of position to the undersigned including whether it claimed a representation interest among the employees in the unit. Further, that letter stated, "Unless we hear from you in writing to the contrary by the close of business on August 10, 1977, we shall assume your organization has no further interest in representing the employees involved in the decertification petition and the Commission will take appropriate action forthwith, which may include the revocation of the certification."

An authorized agent of Local 18 signed for receipt of that letter on August 2, 1977. To date, the undersigned has not received a reply to the above-cited correspondence. Therefore, the undersigned concludes that Local 18 has waived any further interest in representing the employees involved in this representation proceeding, and such waiver constitutes a disclaimer of interest in representing the above-employees.

In view of Local 18's disclaimer of interest, there no longer exists a question concerning the representation of employees in the unit. Local 18 is no longer the exclusive representative of the employees in the unit for purposes of collective negotiations. Inasmuch as a valid question concerning representation does not exist, the undersigned shall dismiss the Petition pursuant to N.J.A.C. 19:11-2.3. Additionally, the undersigned shall revoke the certification previously issued to Local 18.

Accordingly, the instant Petition is hereby dismissed,  
and the certification issued pursuant to Commission Docket No. RO-797  
is revoked.

BY ORDER OF THE DIRECTOR OF REPRESENTATION

A handwritten signature in cursive script, appearing to read "Carl Kurtzman", written over a horizontal line.

Carl Kurtzman, Director

DATED: September 20, 1977  
Trenton, New Jersey