

D.R. NO. 89-4

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

In the Matter of

TOWNSHIP OF HANOVER,

Public Employer,

-and-

Docket No. RO-88-167

HANOVER TOWNSHIP POLICE PBA 128,  
SUPERIOR OFFICERS NEGOTIATING UNIT,

Petitioner.

SYNOPSIS

The Director dismisses Hanover Township's election objections. The objections merely raised issues addressed by the Director in a decision directing the election. The Township did not object to the conduct of the election itself.

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Appearances:

For the Public Employer  
Hansbury, Martin & Knapp, Esqs.  
(Fredric M. Knapp, of counsel)

For the Petitioner  
Whipple, Ross & Hirsh, Esqs.  
(Donald B. Ross, of counsel)

DECISION

On April 18, 1988, the Hanover Township Police PBA Local 128 Superior Officer's Negotiating Unit ("SONU") filed a petition seeking certification as the exclusive representative of a negotiations unit of police lieutenants employed by the Township of Hanover ("Township"). On May 3, 1988, a Commission staff agent conducted an informal conference and began an investigation. The Township refused to consent to a secret ballot election. On May 27, 1988, we advised the parties that it appeared that the petitioned-for unit was appropriate and SONU was qualified to

represent the unit sought. We invited the parties to file additional position statements and supporting documents. On June 16, 1988, the Township filed a position statement. On June 21, 1988, it filed a copy of the job description for lieutenants. On June 27, 1988, SONU filed a position statement.


On July 5, 1988, we issued a decision directing an election in the unit sought by SONU. Relying on City of Camden, P.E.R.C. No. 82-89, 8 NJPER 226 (¶13094 1982) and Hudson Cty. and Assn. of Hudson Cty. Nursing Supvs., a/w Dist. 1199J, NUHHCE, AFL-CIO, D.R. No. 85-7, 10 NJPER 623 (¶15297 1984), aff'd App. Div. Dkt. No. A-989-84T7 (11/15/85), we rejected the Township's assertion that the SONU failed to adequately certify that it would be an entity separate from the PBA Local 128 affiliate representing the Township's patrolmen. An election was scheduled for August 9, 1988, and with the parties' consent was rescheduled to August 23, 1988. SONU was elected the exclusive representative by a majority of the valid ballots cast by the Township's police lieutenants on August 23, 1988.

On August 30, 1988, the Township filed objections. In its objections, the Township raises the same issues that we addressed in our decision directing the election, i.e., that absent proof that SONU maintained a dues structure and treasury fund separate from the PBA Local 128 affiliate representing rank and file officers, SONU's petition was per se inappropriate. SONU had certified that: (1) it is a separate organization from any other organization representing

non-supervisory employees; (2) if elected, it, rather than an organization representing non-supervisors would control the negotiations and administration of contracts covering superior officers; and (3) as it currently exists, it has no non-supervisory members. We concluded that this certification adequately established SONU's independence from the Local 128 affiliate representing patrolmen. We noted that when and if there is a violation of the Act, the Township could seek its remedy. Hudson Cty.

The Township raises no issues concerning the conduct of the election itself. N.J.A.C. 19:11-9.2. Accordingly, the Township's objections are dismissed.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
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Edmund G. Gerber, Director

DATED: August 31, 1988  
Trenton, New Jersey