

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY, BOARD OF CHOSEN FREEHOLDERS

Public Employer

and

LOCAL 1965, AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO

Petitioner in R-60
Intervenor in R-108

and

CAMDEN COUNCIL NO. 10, NEW JERSEY CIVIL
SERVICE ASSOCIATION

Petitioner in R-108
Intervenor in R-60

Docket Nos. R-60
R-108

SUPPLEMENTAL DECISION,
ORDER AND DIRECTION OF SECOND ELECTIONS

Pursuant to a Decision and Direction of Elections, secret ballot elections were conducted under the supervision of the Commission on January 28, 1970 among employees in the following voting groups: 1 - craft employees at Lakeland Institutions; 2 - blue collar employees at Lakeland Institutions excluding craft employees; 3 - all other Camden County craft employees; 4 - all blue and white collar employees of Camden County, excluding Lakeland blue collar employees. The Direction of Elections provided that in addition to choosing a representative, employees in groups 1 and 3 would also vote on whether they wished to be included with employees in groups 2 and 4, respectively, or wished to be represented separately. The Direction further provided that the final determination of the scope of the negotiating units would depend upon the outcome of the elections.

The tally of ballots served upon the parties showed the following results:

Group 2

Approximate number of eligible voters	387
Void ballots	none
Votes cast for Local 1965, AFSCME	229
Votes cast for Neither	7
Votes cast for Council No. 10, NJCSA	126
Challenged ballots	25
Valid votes counted plus challenged ballots	387

Group 4

Approximate number of eligible voters	512
Void ballots	3
Votes cast for Local 1965	78
Votes cast for Neither	4
Votes cast for Council No. 10	267
Challenged ballots	163
Valid votes counted plus challenged ballots	512

In groups 1 and 3 challenges were sufficient in number to affect the results. Following the resolution of certain challenges by agreement of the parties, a revised tally of ballots for the two voting groups showed the following results:

Group 1

(on the question of inclusion with non-craft employees)	
Void	2
Yes	6
No	34
Challenged ballots	2
Valid votes counted plus challenged ballots	42

(on the question of choice of representative, if any)	
Votes cast for Local 1965	22
Votes cast for Neither	0
Votes cast for Council No. 10	19
Challenged ballots	2
Valid votes counted plus challenged ballots	43

Group 3

(on the question of inclusion with non-craft employees)	
Void	5
Yes	3
No	8
Challenged ballots	0
Valid votes counted	11

(on the question of choice of representative, if any)	
Votes cast for Local 1965	7
Votes cast for Neither	0
Votes cast for Council No. 10	9
Challenged ballots	0
Valid ballots counted	16

The above results establish that in group 1 and in group 2 Local 1965 received a majority of the valid votes plus challenged ballots, that in group 3 and in group 4 Council No. 10 received a majority of the valid votes plus challenged ballots, and that on the question of craft inclusion with non-craft employees, each craft group voted for separate representation.

Both Council No. 10 and Local 1965 timely filed objections to the election prior to the resolution of the challenges in voting groups 1 and 3.

The objections lodged by Council No. 10, which in effect relate only to the elections in voting groups 1 and 2 won by Local 1965, 1/ have become moot by reason of Local 1965's advice to the undersigned that it agrees to re-run elections in these two groups. The Employer takes no position on the question of re-run elections. 2/ In view of Local 1965's agreement, the undersigned will not decide the merits of Council No 10's objections, but will simply set aside the elections in those two voting

1/ The language of the objections does not specifically indicate this, but having prevailed in groups 3 and 4, Council No. 10 obviously does not seek to void those results.

2/ The Employer does urge reconsideration of the question of appropriate unit at Lakeland Institutions. The Employer simply affirms its position taken earlier when the unit questions were under consideration by the Commission. In the absence of additional evidence not available at the time of the earlier consideration, there appears to be no basis on which to re-open the unit question for further consideration. Accordingly, the request for reconsideration is denied.

groups and direct new elections in voting groups 1 and 2.

The objections filed by Local 1965 are as follows:

"1. Ronald Kerins, Camden County Administrator, was in the room where voting was taking place and he had conversations with eligible voters and observers of Council No. 10, NJCSA."

'2. Observers for Council No. 10, NJCSA, while wearing official badges furnished by the American Arbitration Association, campaigned both inside of, and outside of the voting room."

Local 1965 submitted unsworn statements from 3 witnesses in support of these objections. It is alleged in one or more of these statements that :

1. Raymond Uliase, Camden County Counsel, entered the polling area at the Court House, remained for about 5 minutes and during that time spoke to the Employer's observers;
2. State Senator Frank Italiano entered the voting area and spoke to the observer for Council No. 10;
3. Mildred DiFante, President of Council No. 10, entered the polling area 3 times and spoke to her observers, and also Local 1965' observers; each time she was requested to leave by the official conducting the election;
4. Viola Bailey, an observer for Council No. 10, distributed literature during polling hours in the Court House, where the election was being conducted;
5. An observer for Council No. 10 greeted many employee voters by name as they entered the polling place and escorted them to the A.A.A. official conducting the election;
6. William Huston, an employee wearing a Council No. 10 button but who was not an official observer, remained in the polling area for half an hour during voting time greeting voters;

7. An observer for Council No. 10 requested and obtained the signature of an observer for Local 1965, the latter complying with the request in the mistaken belief that the request came from an official of A.A.A.

The above information and no other, was submitted in response to a Commission letter directing Local 1965 to submit "... all documents and affidavits in support of your objections....." It is pertinent to note that under the Commission's rules, Section 19:11-19(1), the burden of proof rests on the objecting party; the Commission does not have an obligation to make the objecting party's case. Relating the above "evidence" to the objections filed, it is also pertinent to note that there is no support for Objection No. 1; no statement submitted makes reference to a "Ronald Kerins." With respect to Objection No. 2, no witnesses alleges that a Council No. 10 observer campaigned outside the polling area "while wearing official badges furnished by [A.A.A.]" It is alleged that Viola Bailey distributed literature and that she was an observer for Council No. 10, but the Executive Director takes note of the fact that the parties used alternate or relief observers whose behavior, when off-duty, is not subject to the same regulations covering on-duty observers. There is no evidence that Bailey, at the time of her alleged campaigning, was "on-duty". Indeed one witness to her activity learned only later that Bailey was an observer, thereby suggesting that, at the time, she wore no badge identifying herself as an observer.

Regarding the question of campaigning by observers within the polling area, this aspect of the objection, in light of the evidence submitted, is frivolous. Greeting voters by name and escorting them to the A.A.A. official is scarcely the kind of conduct which might cloud the legitimacy of an election. The remaining allegations concerning the momentary presence in the polling area of Uliase, Italiano and DiFante

and their comments to observers, Huston's presence in the polling area and his greetings to voters, and one observer's success in obtaining another's signature are outside the scope of the objections and irrelevant of them. While it would have been better form to prevent altogether such intrusions in the polling area, there is no showing that either the brief presence of these individuals, their comments to observers or greetings to voters interfered in any way with the voter's freedom of choice. Concerning the request for an observer's signature, the significance of this as objectionable conduct is in no way apparent. In sum the undersigned concludes that the evidence fails to raise issues requiring resolution by formal hearing, that it fails to raise issues affecting the results of the elections and finally that it fails to support the objections and they are therefore overruled. Although these objections are overruled and although Council No. 10 received a majority of the valid votes, plus challenged ballots, in each of voting groups 3 and 4, certification of Council No. 10 as negotiating representative for these two groups is momentarily premature because of the certificating formula set forth in the Commission's Direction of Elections in PERC No. 28. 3/

ORDER

The Commission orders that the January 28, 1970 election in voting groups 1 and 2 be, and they hereby are, set aside and that new elections be conducted in these two groups.

DIRECTION OF SECOND ELECTIONS

~~the~~ Lakeland employees in Voting Group 1 (craft employees of Lakeland Institutions) 4/ shall vote as to whether or not they desire to be included with noncraft blue collar employees of Lakeland

- 3/ E.g.. if Lakeland craft employees vote against inclusion with Lakeland blue collar employees and vote for representation by Council No. 10, a single certification will issue to Council No. 10 covering both Lakeland and other Camden County craft employees.
- 4/ As more particularly described in the Commission's first Decision PERC No. 28.

Institutions (Voting Group 2). 5/ If the craft employees vote for such inclusion, their ballots shall be tallied with those in Voting Group 2, all ballots shall be counted at face value and an appropriate certification shall issue in Voting Groups 1 and 2;

- (b) If the employees in Voting Group 1 do not want to be included with the noncraft blue collar employees at Lakeland Institutions (Voting Group 2), their ballots shall be counted separately and an appropriate certification shall issue for Voting Group 1.

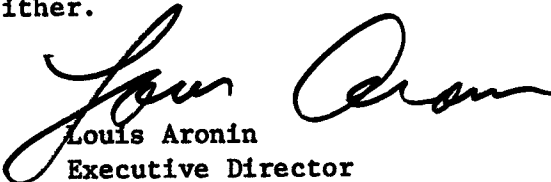
The results in the above elections will be considered together with the results already tallied in voting groups 3 and 4 and appropriate certifications will issue in accord with the certificating formula set forth in the Commission's first Decision, PERC No. 28.

Eligible to vote are all the employees in voting groups 1 and 2 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 on leave of absence, 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. The elections directed herein shall be conducted in accordance with the provisions of the Commission's Rules and Regulations and Statement of Procedure and shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote in Voting Group 1 shall vote on the question, "Do you wish to be represented with noncraft employees?"

5/ As more particularly described in the Commission's first Decision, PERC No. 28.

Those eligible to vote in voting groups 1 and 2 shall vote on whether or not they desire to be represented for purposes of collective negotiations by Local 1965, American Federation of State, County, and Municipal Employees, AFL-CIO; Camden Council No. 10, New Jersey Civil Service Association; or neither.


Louis Aronin
Executive Director

DATED: July 10, 1970
Trenton, New Jersey