

D.R. NO. 2004-9

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

In the Matter of

PASSAIC PUBLIC LIBRARY BOARD OF TRUSTEES,

Public Employer,

-and-

Docket No. AC-2004-3

PASSAIC PUBLIC LIBRARY STAFF ASSOCIATION,

Petitioner.

**SYNOPSIS**

The Director of Representation orders that the Certification of Representative of the Passaic Public Library Staff Association is amended to reflect that the exclusive negotiations representative is now the United Electrical, Radio and Machine Workers of America (UE), Local 404/Passaic Public Library Staff Association. The petitioner met all of the requirements for amendment of certification, specifically: advance notice of a secret ballot election; a majority voted in favor of the change in name and affiliation; the organization's officers and the unit structure remain unchanged; and, unit members were afforded with adequate due process. The Board does not object to the petition.

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Appearances:

For the Public Employer,  
J. Humberto Espinal, President

For the Petitioner,  
Eugene Elk, UE International Representative

**DECISION**

On September 29, 2003, the Passaic Public Library Staff Association (Association) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission) pursuant to N.J.A.C. 19:11-1.6, seeking to amend its Certification of Representative to reflect its affiliation with Local 404, United Electrical, Radio and Machine Workers of America (UE). I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the Passaic Public Library Board of Trustees (Board), does not object to the petition. I make the following:

**Findings of Fact**

On May 7, 2003, the Commission certified the Passaic Public Library Staff Association as the exclusive representative of a unit of all regularly employed, full and part-time blue and white collar employees employed by the Board. Jean Ellis is the Association's president. Ellis has submitted an affidavit certifying that on August 21, 2003 she sent written notices to all of the Association's members notifying them that during the Association's regular membership meeting scheduled for September 9, 2003, representatives from UE would be present to discuss a proposed affiliation with that organization, and that immediately after the discussion, a secret ballot election would be conducted on the affiliation. Ellis further certifies that at the Association's September 9, 2003, regular membership meeting, UE representatives met with the Association's members and discussed the affiliation; that nine of the fourteen members were present, and that after the UE representatives left the premises, Ellis conducted a secret ballot vote and that the outcome of the vote was nine in favor and none opposed to affiliation. Finally, Ellis certifies that since the affiliation vote was taken, no one has objected to either the procedure or the outcome of the vote.

The Association's president also affirms that the Association's organizational structure and operations will not change as a result of the affiliation with UE, and that the

negotiations unit and collective agreement with the Board will remain unchanged.

On November 3, 2003, after having received the above referenced affidavits, we advised the Board about the proposed amendment. On November 18, 2003, the Board responded that it does not object to the proposed amendment.

### Analysis

The Commission's rules establish procedures for amending certifications and our case law establishes the standards for granting such petitions. N.J.A.C. 19:11-1.6; Parsippany-Troy Hills Twp., D.R. No. 94-20, 20 NJPER 280 (¶25079 1994), req. for rev. denied P.E.R.C. No. 94-119; 20 NJPER 279 (¶25141 1994); Cape May Assignment Judge, et al., P.E.R.C. 85-60, 11 NJPER 91 (¶16039 1985). N.J.A.C. 19:11-1.6(c) requires such a petition to be supported by an affidavit attesting that the membership of the certified employee representative voted in favor of the change in name and affiliation. Such affidavit shall specify that:

1. The membership was given advance notice of the election;
2. The election was conducted by secret ballot;
3. A majority voted in favor of the change in name and affiliation; and
4. The organization's officers and the unit structure remain unchanged.

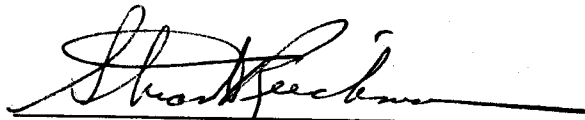
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure

afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, an opportunity to discuss the affiliation prior to the vote, and the chance to participate in the affiliation election. Township of Middletown, et al., P.E.R.C. No. 2000-47, 26 NJPER 59, 60 (¶31020 1999); Parsippany Troy Hills Tp., 20 NJPER at 280; No. Hudson Reg. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000).

The amendment of certification is essentially used to record a name change in the exclusive representative. Here, I am satisfied that the Association has met all of the requirements for amendment of certification and has afforded its members with adequate due process. Therefore, in this case, the amendment of certification is appropriate to record the Association's change in affiliation. Further, the Association's officers and the structure of the negotiations unit will remain unchanged since the affiliation election. There was adequate advance notice of the election to permit members the opportunity to discuss the issue prior to the vote and, subsequently, members were allowed to participate in a secret ballot election on the proposed affiliation. The Board does not object to the proposed amendment.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the United Electrical, Radio and Machine Workers of America (UE), Local 404/Passaic Public Library Staff Association.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

A handwritten signature in black ink, appearing to read "Stuart Reichman", written over a horizontal line.

Stuart Reichman, Director

DATED: December 18, 2003  
Trenton, New Jersey