

D.R. NO. 2004-12

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

In the Matter of

Township of Edison,

Public Employer,

-and-

Docket No. AC-2004-4

Edison Workers Union,

Petitioner.

SYNOPSIS

The Director of Representation amends the certification of the Edison Workers Union to reflect its affiliation with the New Jersey Regional Council of Carpenters. The Director finds that the Edison Worker's Union had complied with the requirements for an amendment of certification as set forth in N.J.A.C. 19:11-2.6b(5).

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Appearances:

For the Respondent,
DeCotiis, Fitzpatrick, Cole & Wisler, LLP, attorneys
(Louis Rainone, of counsel)

For the Charging Party,
Zazzali, Fagella, Nowak, Kleinbaum & Friedman,
attorneys
(Robert Fagella, of counsel)

DECISION

On October 20, 2003, the Edison Workers Union (EWU) filed a Petition for Amendment of Certification pursuant to N.J.A.C. 19:11-1.6. The EWU seeks to amend its certification of representative to reflect its affiliation with the New Jersey Regional Council of Carpenters. The Township does not object to the proposed amendment of certification.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The disposition of this matter is appropriately based upon the administrative

investigation since no substantial, material factual issues are in dispute. N.J.A.C. 19:11-2.2 and 2.6. These facts appear:

On July 7, 2003, the Commission certified Edison Workers Union as the exclusive representative of all regularly employed, full and part-time, nonsupervisory, blue-collar employees employed by the Township in its Divisions of Sanitation, Recycling, Roads, Parks, Public Buildings, Municipal Garage and Police Garage, and also the police garage mechanic, roads clerk, sanitation clerk, maintenance clerk, and parks clerk. There are approximately 125 employees in the unit.

The EWU has submitted certifications of its President, Roger Palmer, detailing the procedures it followed concerning the affiliation:

1. On August 5, 2003, at a regularly scheduled membership meeting of the Edison Workers Union, an announcement was made that an affiliation vote would take place on August 21, 2003. Members were provided an opportunity to discuss the issue and to raise any questions concerning the vote or its impact. On August 6, 2003, notices were posted in usual workplace areas to advise the membership of the scheduled affiliation vote.

2. On August 21, 2003, a secret ballot election was conducted "utilizing customary and regular practices employed by the EWU in transacting business."

3. The membership of EWU voted 79-0 to affiliate with the New Jersey Regional Council of Carpenters (Carpenters).

4. The elected officers of the Union, its organizational structure and composition of the collective negotiations unit all remain unchanged.

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 Tp., P.E.R.C. No. 94-119; 20 NJPER 279 (¶25141 1994), denying req. for rev. of D.R. No. 94-20, 20 NJPER 280 (¶25079 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 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).

Here, I am satisfied that the Union has met all of the requirements for amendment of certification and has afforded its members adequate due process, including advance notice of a secret ballot election and an opportunity to discuss the proposed affiliation prior to the scheduled vote. The officers of the Union and its structure, as well as the composition of the unit remain unchanged. The Township does not object to the proposed amendment of certification.

Based upon the foregoing, I find that the Edison Workers Union has complied with the requirements to record its affiliation with the New Jersey Regional Council of Carpenters.

Therefore, in accordance with N.J.A.C. 19:11-2.6(c)(5), the Certification of Representative issued by the Commission on July

7, 2003 is amended to reflect that the exclusive negotiations representative is now the Edison Workers Union affiliated with the New Jersey Regional Council of Carpenters.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: March 5, 2004
Trenton, New Jersey