

D.R. No. 2006-10

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

In the Matter of

CUMBERLAND COUNTY BOARD  
OF SOCIAL SERVICES,

Public Employer,

-and-

Docket No. AC-2006-004

CUMBERLAND SUPERVISORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative to reflect a disaffiliation with the New Jersey Civil Service Association Council 18. The Director finds that the petitioner has complied with the requirements set forth in N.J.A.C. 19:11-1.6. The Certification of Representative is amended to reflect the name of the majority representative as the Cumberland Supervisors Association.

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

In the Matter of

CUMBERLAND COUNTY BOARD  
OF SOCIAL SERVICES,

Public Employer,

-and-

Docket No. AC-2006-004

CUMBERLAND SUPERVISORS ASSOCIATION,

Petitioner.

Appearances:

For the Public Employer,  
Shapiro & Shapiro, attorneys  
(Harold Shapiro, of Counsel)

For the Petitioner,  
Sharon L. Williams, Chairperson

DECISION

On December 5, 2005, the Cumberland Supervisors Association (Association) filed an amendment of certification petition with the Public Employment Relations Commission (Commission), seeking to amend a certification of representative to record the disaffiliation of the Cumberland Supervisors Association with New Jersey Civil Service Association Council 18 (Council 18). I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. Neither the public employer, the Cumberland County Board of Social Services (Board), nor the previously affiliated union, Council 18, oppose the petition. I make the following:

Findings of Fact

On August 8, 2003, the Commission certified the Association as the exclusive representative of a unit of all full and part-time social work supervisors, clerk supervisors, child support supervisors and human services specialists IV employed by the Board. On November 29, 2004, in response to an amendment of certification petition filed by the Association wherein it sought affiliation with Council 18, the Director of Representation amended the certification for this negotiations unit to reflect that the name of the certified representative is: "Cumberland Supervisors Association, affiliated with New Jersey Civil Service Association, Cumberland County Council No. 18."

In the instant petition, the Association seeks to now disaffiliate from Council 18 and amend its Certification of Representative to read "Cumberland Supervisors Association." In support of its petition, the Association submitted an affidavit certifying that on October 6, 2005, written notice was distributed to all of the Association's members notifying them of an election to determine Council 18's affiliation status with the Association. The Association also certified that the election was conducted by secret ballot where members received ballots on October 12, 2005 which were to be returned in anonymous, sealed envelopes by 4:30 pm on October 20, 2005. A ballot count was held on October 20, 2005, wherein a majority of the Association membership voted for the proposed disaffiliation. Out of the 19

Association members, 16 votes were returned and 2 were found invalid. Of the 14 counted votes, there were 13 votes to disaffiliate from Council 18 and 1 vote rejecting disaffiliation. The Association also affirms that the Association's officers and unit structure have not changed as a result of its disaffiliation with Council 18.

On December 9, 2005, after having received the above referenced affidavit, we advised the Board about the proposed amendment and served both the Board and Council 18 with a copy of the Association's petition for amendment of certification. On December 29, 2005, the Board responded without objection to the proposed amendment. Council 18 has not opposed the petition.

#### 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 and adequate notice of the election, as evidenced by an attached copy of a notice of election and a statement of the date of the notice and

the manner in which it was provided to members;

2. The election was conducted by secret ballot, as evidenced by an attached copy of the ballot, and was held within six months of the filing of the petition;

3. A majority voted in favor of the change in name and affiliation, as evidenced by a document setting forth the results; 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.<sup>1/</sup> 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).

An amendment of certification is essentially used to record a name change in the exclusive representative. Where the issue is not merely a name change, but rather a struggle between two employee organizations over which will represent the unit

---

<sup>1/</sup> In the instant case, though the Association is petitioning for a "disaffiliation" from Council 18, it may still be properly characterized as a "change in affiliation" from Council 18 back to the local, independent Association.

employees, an amendment of certification is not appropriate.

Union County, D.R. No. 2005-7, 30 NJPER 496 (¶169 2005).<sup>2/</sup> The Commission's Rules were recently amended to provide:

"A petition for amendment of certification will be served by the Director of Representation on all organizations that are part of a certified majority representative. Each organization will be given an opportunity to request intervention under N.J.A.C. 19:11-2.7. If intervention is permitted, the petition will be dismissed if any intervening organization objects to processing the petitions." N.J.A.C. 19:11-1.6(d). (Amended by R.2005 d.248, effective August 1, 2005. See: 37 N.J.R. 961(a), 37 N.J.R. 28900(a). Added (d).)

However, where unit members have clearly expressed their intention through a procedure where all due process elements have been satisfied and the previously certified affiliate organization does not oppose the amendment or has disclaimed further representational interest, we have granted an amendment of certification. State of N.J. (Dept. of Corrections), D.R. No. 2004-3, 29 NJPER 421 (¶142 2003); State of N.J., D.R. No. 2003-2, 28 NJPER 356 (¶33128 2002).

Here, the record shows that the Petitioner has met all of the requirements for amendment of certification and has afforded

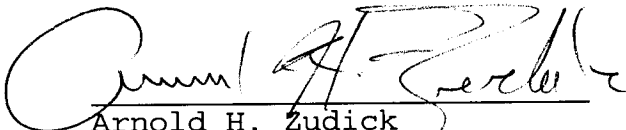
---

<sup>2/</sup> The general rule applied to petitions seeking amendment of certification is that "an amendment of certification may not be granted when there is a question concerning representation and...such amendments are not permitted where the certified representative remains in existence and opposes the amendment." Cape May Assignment Judge, et al., P.E.R.C. No. 85-60, 11 NJPER 91 (¶16039 1985); N.J. State Police, D.R. No. 85-3; 10 NJPER 541 (¶15251 1984); Quoting from Missouri Beef Packers, Inc., 175 NLRB 179, 71 LRRM 1177 (1969).

the membership of the certified representative with adequate due process. There was sufficient advance notice of the election to permit members the opportunity to discuss the issue prior to the vote and to participate in a secret ballot election on the proposed disaffiliation. Further, the Association's officers and the structure of the negotiations unit have remained unchanged since the Association's disaffiliation with Council 18. Finally, neither the Board nor Council 18 oppose the proposed amendment.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Cumberland Supervisors Association.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION



Arnold H. Zudick  
Director

DATED: February 9, 2006  
Trenton, New Jersey

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by February 22, 2006.