

D.R. No. 2008-6

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

In the Matter of

BOROUGH OF LODI,

Public Employer,

-and-

Docket No. AC-2008-002

LODI WHITE COLLAR EMPLOYEES ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative to reflect an affiliation with Local 1N, United Service Workers Union, IUJAT. 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 majority representative as the Lodi White Collar Employees Association, affiliated with Local 1N, United Service Workers Union, IUJAT.

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Petitioner.

Appearances:

For the Respondent,  
Anthony Luna, Human Resources Director

For the Petitioner,  
Richard M. Greenspan, P.C., attorney

DECISION

On December 5, 2007, the Lodi White Collar Employees Association (Association) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission). N.J.A.C. 19:11-1.6. The Association seeks to amend its Certification of Representative to reflect its affiliation with Local 1N, United Service Workers Union, IUJAT (Local 1N).

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the Borough of Lodi (Borough), does not oppose the petition. There

are no substantial, material facts in dispute which would require a hearing. N.J.A.C. 19:11-2.6(c)(5).

I make the following:

Findings of Fact

On June 27, 2003, the Commission certified the Association as the exclusive representative of a unit of all regularly employed white collar employees of the Borough. (Docket No. RO-2003-078).

The Association has submitted an affidavit of its President, George P. DeNobile, detailing the procedures it followed concerning the affiliation:

1. On October 18, 2007, written notice of a November 2, 2007 meeting and election to determine whether the Association should affiliate with Local 1N was posted on the bulletin boards at each location where unit members are employed.

2. The election was conducted by secret ballot and of the seventeen (17) eligible voters, twelve (12) voted in favor of affiliation with Local 1N, and two (2) voted against affiliation.

3. The Association's officers and unit structure have remained unchanged since the affiliation vote.

On December 10, 2007, having received the affidavit referenced above, we advised the Borough about the proposed amendment. The Authority did not object to 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; County of Union, D.R. No. 2005-7, 30 NJPER 496 (¶169 2004); 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 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.

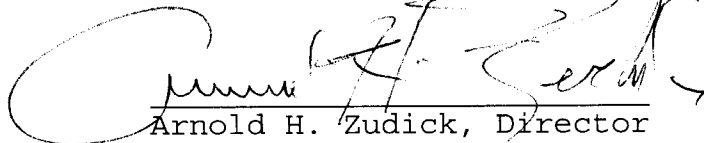
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, 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).

I am satisfied that the Petitioner has met all of the requirements for amendment of certification and has afforded its members adequate due process. There was appropriate 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. Further, the Association's officers and the structure of the negotiations unit have remained unchanged since the affiliation with Local 1N.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the Lodi White Collar Employees Association, affiliated with Local 1N, United Service Workers Union, IUJAT.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Arnold H. Zudick, Director

DATED: January 11, 2008  
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 January 22, 2008.