

D.R. No. 2008-8

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

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

Docket No. AC-2008-003

NJ SUPERIOR OFFICERS ASSOCIATION
CAPTAINS, F.O.P. LODGE 187,

Petitioner.

SYNOPSIS

The Director of Representation amends the Certification of Representative to reflect the majority representative as the New Jersey Law Enforcement Commanding Officers Association. The Director finds that the petitioner has complied with the requirements set forth in N.J.A.C. 19:11-1.6.

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Appearances:

For the Public Employer,
Camille Warner, Employee Relations Coordinator

For the Petitioner,
Mario A. Iavicoli, attorney

DECISION

On January 8, 2008, the NJ Superior Officers Association Captains, F.O.P. Lodge 187 (Petitioner) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission). N.J.A.C. 19:11-1.6. The Petitioner seeks to amend its Certification of Representative to reflect a change in name and affiliation to the New Jersey Law Enforcement Commanding Officers Association.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the State of New Jersey, 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 September 17, 2003, the Commission certified the Petitioner as the exclusive representative of a unit of all New Jersey Department of Corrections captains, supervising parole officers in the N.J. State Parole Agency, Department of Environmental Protection supervising conservation officers, and Juvenile Justice Commission captains under the Department of Law and Public Safety (Docket No. RO-2004-3).

The Petitioner has submitted an affidavit of its Executive Vice President, Joseph Sooy, detailing the procedures it followed concerning the affiliation:

1. In July 2007, at a general membership meeting, a motion was approved unanimously to change the name and affiliation of the NJ Superior Officers Association Captains, F.O.P. Lodge 187, to the New Jersey Law Enforcement Commanding Officers Association.

2. On September 28, 2007, the membership was given advance notice of a secret ballot vote to ratify the change by a special notice. The special notice was provided in the Petitioner's official newsletter that is posted on its official website (www.NJSOA-CU.org). The special notice provided that the secret

ballot vote would take place at the Petitioner's next monthly general membership meeting on October 9, 2007.

3. On October 9, 2007, the majority of the Petitioner's membership voted in favor of the change in name and affiliation. The secret ballot vote held on this date took place within six months of the filing of the Amendment of Certification Petition.

4. The composition and approximate size of the negotiations unit represented by the Petitioner has continued unchanged since the vote in favor of changing the name and affiliation of Petitioner to the New Jersey Law Enforcement Commanding Officers Association.

5. The officers of the Petitioner remain unchanged since the vote in favor of changing the name and affiliation of Petitioner to the New Jersey Law Enforcement Commanding Officers Association.

On February 11, 2008, we advised the State of New Jersey about the proposed amendment. The State did not oppose 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 that 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. The 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.

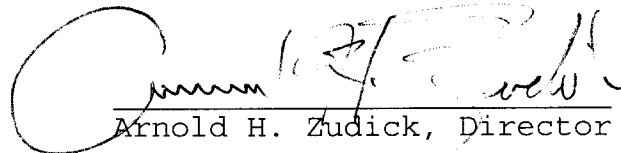
Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote, 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 change in name and affiliation. Further, the Petitioner's officers and the structure of the negotiations unit have remained unchanged since the vote in favor of changing the name and affiliation of Petitioner to the New Jersey Law Enforcement Commanding Officers Association.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now the New Jersey Law Enforcement Commanding Officers Association.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Arnold H. Zudick, Director

DATED: March 20, 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 March 31, 2008.