

D.R. No. 2010-5

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

In the Matter of

NORTH BERGEN TOWNSHIP,

Public Employer,

-and-

Docket No. RO-2009-071

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 701,

Petitioner.

SYNOPSIS

In accordance with D.R. No. 2010-3, the Director of Representation directs a mail ballot election be conducted among non-supervisory emergency medical technicians employed by the Township of North Bergen. The ballots will be impounded pending the disposition of an unfair practice hearing.

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Petitioner.

Appearances:

For the Respondent,
Weiner Lesniak, attorneys
(Mark A. Tabakin, of counsel)

For the Petitioner,
Mets, Schiro and McGovern, LLP, attorneys
(James M. Mets, of counsel)

DECISION

On July 24, 2009, International Brotherhood of Teamsters Local 701 filed an unfair practice charge (CO-2010-033) to block the election ordered in D.R. No. 2010-3 concerning representation petition RO-2009-071. By letter dated August 3, 2009, the Director ordered that a secret ballot election be conducted to obtain the employees current representational intent, but that those ballots be impounded to allow the charge to proceed to hearing. On July 24, 2009, the Township, pursuant to N.J.A.C. 19:11-10.1, provided an eligibility list to the Commission and Local 701.

In accordance with the Director's order, on August 5, 2009, the staff agent processing the petition provided the parties an Agreement for Consent Election, requiring the parties execute the agreement by August 10, 2009. The staff agent also requested that the parties assert any challenges to employees' voter eligibility by August 10, 2009.

On August 6, 2009, the Township provided an executed copy of the Agreement for Consent Election. Local 701 refuses to sign the agreement, maintaining that it is seeking certification by authorization cards. Neither party asserted any challenges to voter eligibility. Therefore, I direct that a mail ballot election be conducted among the employees in the unit as follows:

Included: All regularly employed, non-supervisory emergency medical technicians employed by the Township of North Bergen.

Excluded: Managerial executives, confidential employees, and supervisors within the meaning of the Act; craft employees, professional employees, police employees, casual employees, and all other employees employed by the Township of North Bergen.

Employees shall vote on whether they wish to be represented for purposes of collective negotiations by Teamsters Local 701 or no representative. Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date. Ballots will be mailed to eligible voters in the unit on **August 14, 2009**. Ballots will be returned to the Commission's

Post Office Box by 9:00 a.m. on **September 11, 2009**. The ballots will not be counted at this time. The Commission will hold the ballots pending the disposition of Docket No. CO-2010-033.

The election shall be conducted in accordance with the Commission's Rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Arnold H. Zudick, Director

DATED: August 11, 2009
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 August 21, 2009.