

E.D. NO. 76-12

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MARLBORO,  
Public Employer,

Docket No. RO-76-54

-and-

MONMOUTH COUNCIL #9, N.J.C.S.A.,  
Petitioner.

SYNOPSIS

The Executive Director directs an election in a prima facie appropriate unit of blue collar employees of the public employer in the absence of substantial and material disputed factual issues with respect thereto.

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DECISION AND DIRECTION OF ELECTION

A Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission by Monmouth Council #9, N.J.C.S.A. ("C.S.A.") with respect to a unit of blue collar workers employed by the Township of Marlboro (the "Township").<sup>1/</sup> The undersigned has caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. All parties have been advised of their obligation under Rule Section 19:11-1.12, and have been afforded an opportunity thereunder, to present to the undersigned documentary and other evidence, as well as statements of position, relating to the Petition. On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

<sup>1/</sup> The unit claimed to be appropriate is described in the Petition as follows: "Included: All blue collar workers employed by the Township of Marlboro. Excluded: Police, Professionals, Clericals, Confidentials, Craftsmen and Supervisors within the meaning of the Act."

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing to the undersigned that no substantial and material factual issues exist which may more appropriately be resolved after a hearing. Pursuant to Rule Section 19:11-1.12(c), there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Township of Marlboro is a public employer within the meaning of the Act and is subject to its provisions.

3. The Monmouth Council #9, N.J.C.S.A. is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Township has not recognized the Petitioner as the majority representative for the unit in question. Accordingly, a question concerning the representation of public employees exists and this matter is properly before the undersigned for determination.

5. The Township has submitted no written response to the Commission's request that it indicate whether it will consent to a secret ballot election to be conducted by the Commission among the employees in the unit set forth in the petition although it has certified that the Notices to Public Employees were posted and it has provided a list of unit employees. The Township Attorney has advised this office orally that the Township Council has decided that it does not want to submit a position on this matter.

Our investigation reveals that a similar petition was

filed April 25, 1974 by the C.S.A. on behalf of the same group of employees and that, at that time, the Township did consent to an election. An election was conducted August 2, 1974 and a certification of results of that election was issued August 12, 1974, certifying that no employee organization had received a majority of the valid ballots cast.

The unit sought is prima facie appropriate and the petition is a timely petition. Accordingly, the undersigned shall direct an election in the following appropriate unit: "All blue collar employees employed by the Township of Marlboro but excluding policemen, professionals, clericals, confidential employees, craft employees and supervisors within the meaning of the Act."

6. The undersigned directs that a secret ballot election be conducted in the unit found appropriate. The election shall be conducted no later than thirty (30) days from the date set forth below.


Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to Rule Section 19:11-2.7 the public employer is directed to file with the undersigned an election eligibility list, consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. Such list must be received no later than ten (10) days prior to the date of the election. The undersigned shall make the eligibility list immediately available to all parties to the election. Failure to comply with the foregoing shall be grounds for setting aside the election upon the filing of proper post-election objections pursuant to the Commission's Rules.

Those eligible to vote shall vote on whether or not they desire to be represented for the purposes of collective negotiations by Monmouth Council #9, N.J.C.S.A.

The majority representative shall be determined by a majority of the valid ballots cast. The election directed herein shall be conducted in accordance with the provisions of the Commission's Rules and Regulations and Statement of Procedure.

BY ORDER OF THE EXECUTIVE DIRECTOR

  
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Jeffrey B. Tener  
Executive Director

DATED: Trenton, New Jersey  
December 23, 1975