

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

In the Matter of

BOROUGH OF OCEANPORT,

Public Employer-Petitioner,

-and-

Docket No. RE-77-6

LOCAL 417, I.U.E.R.M.W., AFL-CIO,

Employee Representative.

SYNOPSIS

During the course of an investigation into the Borough's Petition for Certification of Employee Representative, wherein the Borough questioned the majority status of the Employee Representative, the Commission was advised that the Employee Representative disclaimed further interest in representing the Borough's blue collar Department of Public Works employees. Thus, the Director of Representation Proceedings, finding that a question concerning representation no longer exists, dismisses the Decertification Petition and states that the Employee Representative is no longer the exclusive representative of the employees in the unit for the purposes of collective negotiations. The Director also revokes the certification previously issued by the Commission to the Employee Representative.

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DECISION AND REVOCATION OF CERTIFICATION

On January 5, 1977, a Petition for Certification of Public Employee Representative (Employer Petition) was filed with the Public Employment Relations Commission (the "Commission") by the Borough of Oceanport (the "Borough") with respect to a negotiations unit of blue collar workers in its Public Works Department. A Public Employer Certification Petition is filed when one or more public employees, group of employees, individuals, or employee organizations has presented a claim to the (public employer) Petitioner to be recognized or continue to be recognized as the majority representative of employees of Petitioner and the Petitioner has a good faith doubt concerning the majority representative of its employees. The Commission's processes provide in such cases for a secret ballot election to resolve the question concerning representation.

In the instant matter, the Borough's Petition is accompanied by a written request of the incumbent representative, Local 417, International Union of Electrical, Radio and Machine Workers, AFL-CIO ("Local 417 - I.U.E.R.M.W.") to negotiate a successor collective negotiations agreement, and documentation supporting the Borough's good faith doubt as to the

majority status of Local 417 - I.U.E.R.M.W. Thus, the Borough raised a question concerning the representation of employees and the matter was appropriately placed before the undersigned for investigation and determination.

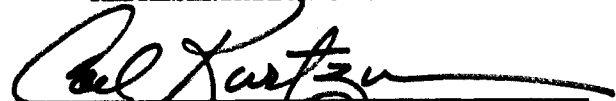
Accordingly, the undersigned has caused an investigation into the matters involved in the Petition. The investigation has revealed that on August 26, 1974, the Commission certified I.U.E.R.M.W. as the exclusive representative of all blue collar workers in the Road Department employed by the Borough of Oceanport (Commission Docket No. RO-844). However, on April 5, 1977, pursuant to the undersigned's inquiries, Local 417 - I.U.E.R.M.W. has advised that it disclaims further interest in representing the unit.^{1/}

By virtue of Local 417 - I.U.E.R.M.W.'s disclaimer of interest there no longer exists a question concerning the representation of employees in the unit. Local 417 - I.U.E.R.M.W. is no longer the exclusive representative of the employees in the unit for the purposes of collective negotiations.

Inasmuch as there no longer exists a valid question concerning representation, the undersigned shall dismiss the Petition pursuant to N.J.A.C. 19:11-1.9. Additionally, the undersigned shall also revoke the certification previously issued to I.U.E.R.M.W.

Accordingly, the instant Petition is hereby dismissed, and the certification issued pursuant to Commission Docket No. RO-844 is revoked.

BY ORDER OF THE DIRECTOR OF
REPRESENTATION PROCEEDINGS



Carl Kurtzman, Director
Representation Proceedings

DATED: May 16, 1977
Trenton, New Jersey

^{1/} Local 417's disclaimer letter is contained in the Commission's files.