

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

In the Matter of

HOBOKEN HOUSING AUTHORITY,

Public Employer,

-and-

Docket No. RO-77-51

TEAMSTERS LOCAL NO. 97 OF NEW JERSEY,  
I.B.T.,

Petitioner.

SYNOPSIS

In the absence of disputed factual issues, the Director of Representation Proceedings directs an election among employees in a unit consisting of all blue collar employees employed by the Hoboken Housing Authority on the basis of an administrative investigation. The Public Employer did not respond to the Director's repeated requests for information and has not formally stated a position with respect to the proposed unit. The Director determines that the petitioned-for unit of employees is a prima facie appropriate unit, and reiterates that the Petitioner's alleged failure to request recognition from the employer would not be fatal to the processing of the Petition.

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Appearances:

For the Public Employer, Mr. Samuel Davidson, Esq.

For the Petitioner, Goldberger, Siegel and Finn, Esqs.  
(Howard A. Goldberger, of Counsel)

DECISION AND DIRECTION OF ELECTION

On September 30, 1976, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission by Teamsters Local No. 97 of New Jersey, I.B.T. (the "Petitioner"), Docket No. RO-77-51. Petitioner seeks a unit of all blue collar employees employed by the Hoboken Housing Authority (the "Housing Authority"), but excluding guards, office clerical, and supervisors as defined in the Act.

In accordance with N.J.A.C. 19:11-1.12(a), the undersigned caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. All parties were advised of their obligations under Rule Section 19:11-1.12, and were afforded an opportunity thereunder to present 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:

1. The Hoboken Housing Authority is a Public Employer within the meaning of the New Jersey Employer-Employee Relations Act, as amended, (the "Act"), the employer of the employees in question, and is subject to the provisions of the Act.

2. Teamsters Local No. 97 of New Jersey, I.B.T. is an Employee Representative within the meaning of the Act and is subject to its provisions.

3. The Housing Authority has not granted the Petitioner recognition as the exclusive negotiating representative of the employees in question.

4. Petitioner has filed a timely Petition before the Commission, supported by an adequate showing of interest, requesting a secret ballot election to be conducted to determine if the employees in question desire to be represented for the purposes of collective negotiations by the Petitioner. Thus, there exists a valid question concerning the representation of public employees and this matter is properly before the undersigned for a decision.

5. The unit presently sought by the Petitioner is a prima facie appropriate unit for the purpose of collective negotiations.

6. There is no certification, contract, or recognition bar to the instant petition.

7. On October 1, 1976, the undersigned, pursuant to the aforementioned administrative investigation, caused a letter to be sent to the Housing Authority requesting that the enclosed Notices to Public Employees be posted in accordance with the Commission's Rules. In addition, that letter requested that the Housing Authority submit to the Commission, within five (5) days, a written statement of position concerning the instant petition, an affidavit of the posting of the Commission's Notices to Public Employees, as well as certain other information.

As a timely response to the Commission's letter of October 1, 1976 was not forthcoming, Commission staff members repeatedly placed telephone calls to both the Housing Authority and its Attorney, in order to secure the requested information. To date, the Commission has not received the information requested in its letter to the Housing Authority on October 1, 1976.

8. On November 3, 1976, the Commission received a letter from the Petitioner which attempted to redescribe the titles which were originally envisioned by the instant petition. Treating this letter as a request to amend its Petition, the undersigned granted this request and ordered that, thereafter, the description of the negotiating unit claimed to be appropriate would read: "All blue collar employees employed by the Hoboken Housing Authority" and excluding guards, office clerical and supervisors as defined in the Act.

On November 5, 1976, the undersigned transmitted a letter to all parties to this matter informing them of the amended petition and describing the collective negotiations unit now claimed to be appropriate by the Petitioner.

9. On November 12, 1976, the undersigned advised the parties, by a certified mailing, that on the basis of the investigation to date, it appeared that the Petition was timely filed and that a valid question concerning the representation of public employees existed. With regard to the Housing Authority's refusal to comply with the Commission's requests to supply certain information and to post certain notices, the undersigned fully recounted the Commission's efforts to secure compliance and reminded the Housing Authority of its duty under N.J.A.C. 19:11-1.12(a), as amended, to supply the requested information. It was further noted that the Housing

Authority's refusal to supply the requested information could not be properly based upon the contention that the Petitioner may not have initially requested that the Housing Authority recognize it as the exclusive negotiations representative. In support of that determination, the undersigned cited and included a copy of In re Clearview Regional District Board of Education, E.D. No. 76-24, 2 NJPER 63 (1976). The undersigned concluded by stating that, in the absence of substantial and material disputed factual or legal issues, a decision would thereafter issue, pursuant to the authority vested in the above Rule provision directing an election among the employees in the petitioned-for unit. The parties were afforded seven (7) days to comply with their obligations pursuant to the Rules and to proffer any supplementary evidence or statements of position relevant to the instant petition.

Neither Petitioner nor the Housing Authority filed a response to the undersigned's letter of November 12, 1976, and are therefore presumed to have consented to the undersigned's above-stated intention to issue a decision and direct an election in this matter.

10. The undersigned having carefully considered the entire record and the oral and written submissions of the parties, and it appearing that no substantial and material factual or legal issues are in dispute which may more appropriately be resolved after a hearing, finds that the disposition of this matter is properly based upon the administrative investigation herein. Accordingly, based upon the above, the undersigned finds that the appropriate unit for collective negotiations is: All blue collar employees employed by the Hoboken Housing Authority, but excluding managerial executives, professional and craft employees, confidential employees, clerical employees, guards, police and supervisors within the meaning of the Act.

11. The undersigned directs that an election be conducted among the employees described immediately above. The election shall be conducted no

later than thirty (30) days from the date set forth below.

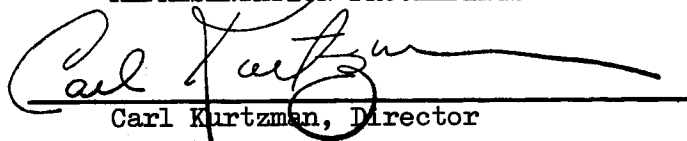
Those eligible to vote are employees set forth above who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Employees 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 they desire to be represented for purposes of collective negotiations by Teamsters Local 97, I.B.T.

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.

BY ORDER OF THE DIRECTOR OF  
REPRESENTATION PROCEEDINGS



Carl Kurtzman, Director

DATED: December 9, 1976  
Trenton, New Jersey