

D.R. NO. 91-4

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

In the Matter of

TOWNSHIP OF FRANKLIN,

Public Employer,

-and-

Docket No. AC-90-3

FRANKLIN TOWNSHIP SUPERIOR OFFICERS
ASSOCIATION (PBA LOCAL 154),

Petitioner.

SYNOPSIS

The Director of Representation issues an Amendment of Certification reflecting a clarifying name change of the exclusive representative, despite objections from the employer.

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Appearances:

For the Public Employer
Stryker, Tams & Dill, attorneys
(Ellen O'Connell, of counsel)

For the Petitioner
Marc D. Abramson, Consultant

DECISION

On May 15, 1990, a Petition for Amendment of Certification was filed pursuant to N.J.A.C. 19:11-1.6 with the Public Employment Relations Commission ("Commission") by the Franklin Township Superior Officers Association, P.B.A. Local No. 154 ("Superior Officers Association"). It seeks to amend a Certification of Representative issued by the Commission on April 7, 1989.

The initial certification designates the Superior Officers Association as the majority representative of "police sergeants and lieutenants employed by the Township of Franklin, excluding police captains, non-supervisory police officers, confidential employees,

managerial executives and all employees not police within the meaning of the Act." The Superior Officers Association has requested that the Commission amend the certification to reflect their name change to the Franklin Township Supervisory Officers Association, P.B.A. Local No. 154 ("Supervisory Officers Association").

The Township of Franklin ("Township") objects to the issuance of an amended certification. The Township believes the petition was procedurally defective when filed. Additionally, it contends that the name change is confusing and misleading, and that the petition attempts to unilaterally achieve a name and "collective job title" change which the employer refused to negotiate during recent collective bargaining.

An administrative investigation was conducted into the matters involved in this case. N.J.A.C. 19:11-2.2 and 2.6.

Our investigation reveals that on May 31, 1990, the membership of the Superior Officers Association, after proper prior notification and by secret ballot, voted 10-0 in favor of changing the name of the organization to the Franklin Township Supervisory Officers Association, P.B.A. Local No. 154.^{1/} There is a continuity of unit composition since the certification date and there has also been a complete transfer of organization officers. Association officers continue to hold the same positions they held since July 1989.

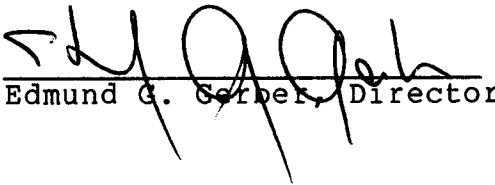
^{1/} There were 18 employees in the negotiations unit when it was certified.

An amendment of certification will be granted if the petitioning organization demonstrates that 1) after proper notification, the Association membership votes by secret ballot to approve the name change; 2) there is continuity in the unit's composition; and 3) there has been a complete transfer of officers from the prior organization to the newly-named organization. Types of changes contemplated by an amendment of certification petition have included affiliations, mergers and organization name changes. These are generally viewed as internal union matters and the employer's objection to the name change, absent compelling circumstances, is irrelevant. See Dover Bd. of Ed., D.R. No. 83-1, 8 NJPER 460 (¶13215 1982); Ocean Cty. Utilities Authority, D.R. No. 83-15, 8 NJPER 598 (¶13280 1982); Teaneck Tp., D.R. No. 79-23, 5 NJPER 103 (¶10057 1979); Morris Cty. College, E.D. No. 71, 1 NJPER 17 (1975).

I find that the Superior Officers Association has satisfactorily demonstrated that it has adequately conformed with the requirements for an amendment of certification. It does not appear that this name change is confusing as asserted by the Township. The units certification specifically excludes non-supervisory employees, as detailed in the certification. This name change grants no substantive rights and whether or not the employer would agree to the change in negotiations is not significant for the purpose of this petition. Therefore, in accordance with the Commission's Rules, the Certification of

Representative issued by the Commission on April 7, 1989 is hereby amended to reflect that the name of the exclusive negotiations representative is the Franklin Township Supervisory Officers Association, P.B.A. Local No. 154.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Serber, Director

DATED: July 19, 1990
Trenton, New Jersey