

D.R. NO. 85-17

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

In the Matter of

UNION CITY HOUSING AUTHORITY,

Public Employer,

-and-

DOCKET NO. RO-85-98

INTERNATIONAL SERVICE WORKERS
OF AMERICA LOCAL 101,

Petitioner.

SYNOPSIS

The Commission Designee orders an election among full-time and regularly employed part-time blue and white collar employees of the Housing Authority. While the employer refused to consent to an election, no issues were raised in dispute by the parties.

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Appearances:

For the Public Employer
Joseph Farrell, Esq.

For the Petitioner
Bernard Gordon, Vice-President

DECISION AND DIRECTION OF ELECTION

On December 17, 1984, the International Service Workers of America Local 101 ("I.S.W.A.") filed a Petition for Certification of Public Employee Representative, accompanied by an adequate showing of interest, with the Public Employment Relations Commission ("Commission"). The I.S.W.A. seeks to represent a collective negotiations unit of "all blue-collar and white-collar employees employed by the Union City Housing Authority ("Authority"), including office personnel and maintenance personnel, but excluding police and supervisors within the meaning of the Act."

At the informal conference convened by the assigned staff agent on January 7, 1985, the I.S.W.A. indicated its willingness to enter into an Agreement for Consent Election. The Authority took no position at the conference, but subsequently advised the assigned staff agent that it refuses to consent to a secret ballot election.

By letter dated February 5, 1985, I advised the parties of their obligations under N.J.A.C. 19:11-2.6(c) to submit statements of position together with documentary evidence in support thereof. The Authority has not proffered any reasons for its position nor made any factual allegations.

Thus, on the basis of the administrative investigation conducted herein, I find the following facts:

1. The administrative investigation has not revealed any substantial or material factual issues which would more appropriately be resolved at hearing. Therefore, in accordance with N.J.A.C. 19:11-2.6, there is no necessity for a factual hearing. The disposition of this matter may properly be based on the administrative investigation.

2. The Union City Housing Authority is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., ("Act"), is the employer of the employees named in the petition, and is subject to the provisions of the Act.

3. The International Service Workers Association Local 101 is an employee representative within the meaning of the Act and is subject to its provisions.

4. The I.S.W.A. seeks to represent a collective negotiations unit comprised of all blue and white collar employees employed by the Union City Housing Authority. The union contends that both full-time and regularly employed part-time employees are appropriate for inclusion. Further, the I.S.W.A. has agreed to exclude managerial executives, confidential employees, professional employees, craft employees, police, and supervisors within the meaning of the Act.

On the basis of the administrative investigation, I find that the appropriate unit for collective negotiations is: all full-time and regularly employed part-time employees employed by the Union City Housing Authority, including clerical and maintenance employees, but excluding managerial executives, confidential employees, professional employees, craft employees, police, and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), I hereby direct that an election be conducted among the employees described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees set forth above who were employed during the payroll period immediately preceding the date of this decision, 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 those 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.

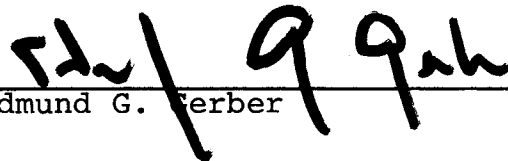
Pursuant to N.J.A.C. 19:11-9.6, the Public Employer is directed to file with me and the I.S.W.A., an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed the eligibility list must be received by me no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed with the

I.S.W.A. with a statement of service to me. The parties are advised that I shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those employees eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by I.S.W.A.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the eligible employees voting in the election. The election directed herein shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE COMMISSION DESIGNEE


Edmund G. Ferber

Dated: February 26, 1985
Trenton, New Jersey