

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

VILLAGE OF RIDGEWOOD
Public Employer

and

Docket No. RO-410

ASSOCIATION OF VILLAGE OF
RIDGEWOOD EMPLOYEES
Petitioner

DECISION AND CERTIFICATION OF RESULTS

Pursuant to a consent election agreement, 1/ a secret-ballot election was held on April 13, 1972 with the following results: of approximately 34 eligible voters, 15 voted for representation by the Petitioner and 19 voted against such representation. There were no challenged ballots. Objections to conduct affecting the results of the election were timely filed by the Petitioner.

The sole objection is based upon a memorandum, a copy of which is attached, dated March 29, 1972 from the Village Manager to Department Heads, concerning "Employee Representation Election." The Petitioner states that this memorandum advises and even orders supervisors to direct those employees not desiring to vote to cast a "no" vote. It is argued that this "direction" to employees constitutes unlawful interference with the right of employees to make a free choice on the question of representation. The objecting party, desirous of relying exclusively on the memorandum, declined to submit affidavits or other documents in support of this objection when requested to do so.

An examination of the questioned document reveals that it is an internal, informational memo for the benefit of department heads, a title which is not found on the eligibility list. Nothing on its face indicates that it was directed to eligible employees and there is no independent evidence that it was distributed to them. Furthermore, the obvious import of the memo is not a directive that eligible voters should vote "No". Rather, it is an explanation that the outcome turns on the majority choice of those voting, that those preferring no representation will register that choice only by voting "No", and not by staying away from the polls. The memo clearly states that it is distributed to department heads to enable them to answer questions put by employees. There is no evidence of any communication between department heads and employees and thus no evidence that the message was distorted.


1/ The parties stipulated the appropriate unit to be: White collar employees of the Village of Ridgewood excluding blue collar employees, library employees, professionals, crafts, police or firemen, managerial executives, and supervisors as defined in the Act.

In sum, the document contains no element of coercion or interference and furthermore there is no evidence that the contents or any variation thereof were communicated to eligible voters. The objection is overruled and the results of the election will be certified.

CERTIFICATION OF RESULTS

IT IS HEREBY CERTIFIED that a majority of the valid ballots has not been cast by the employees in the unit described in footnote 1 for the employee representative which appeared on the ballot. There is no exclusive representative of those employees within the meaning of the New Jersey Employer-Employee Relations Act of 1968.

BY ORDER OF THE EXECUTIVE DIRECTOR


Maurice J. Nelligan, Jr.
Executive Director

DATED: November 21, 1972
Trenton, New Jersey

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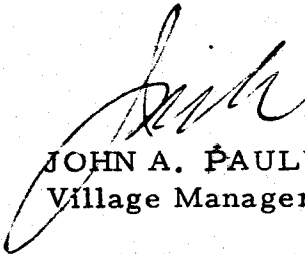
INTER-OFFICE CORRESPONDENCE
VILLAGE OF RIDGEWOOD

FROM JOHN A. PAULUS, VILLAGE MANAGER **DATE** MARCH 29, 1972
TO DEPARTMENT HEADS
SUBJECT: EMPLOYEE REPRESENTATION ELECTION.

The election among employees in the "white collar" negotiating unit for representation has been scheduled by the Public Employment Relations Commission for Thursday, April 13, 1972, between 8:30 and 10:00 a. m. in the Conference Room of the Village Hall. Please understand this is not official notice, but is given to you for your information and to enable you to answer any questions that may be put to you by employees in your departments.

I understand there will be but one question. Employees eligible to vote should vote either "yes" or "no" for representation by the Association of Village of Ridgewood Employees. The majority of those voting decides the election. If only three people vote, and two of them vote in favor of the Association, it wins. I mention this since I have heard some expressions from persons not interested in representation that they will just not bother to vote. Such persons should vote "no".

If you have any questions on procedure or if any employees ask questions that you do not feel able to answer, please advise and I will endeavor to secure proper information.


JOHN A. PAULUS
Village Manager

JA P:lm