

E.D. NO. 19

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN

Public Employer

and

TEAMSTERS LOCAL 676

Petitioner

and

Docket Nos. R-22
R-110

CAMDEN COUNCIL NO. 10
NEW JERSEY CIVIL SERVICE ASSOCIATION

Petitioner

DECISION

Pursuant to a Decision and Direction of Elections, secret-ballot elections were conducted under the supervision of the Commission's election officer on August 7, 1970, among the employees in the units described below. 1/ No timely objections to the conduct of the election or to conduct affecting the results of the election were filed. The Commission's election officer served upon the parties tallies of ballots which showed the following results: Voting Group A: of approximately 300 eligible voters, 69 voted for Teamsters Local 676, 94 voted for Camden Council No. 10, 4 voted for neither organization, 30 ballots were challenged, and 4 were void; Voting Group B: of approximately

1/ There were two units: Voting Group A and Voting Group B.
Voting Group A - page 6 of E.D. No. 8
Voting Group B - page 7-10 of E.D. No.8

300 eligible voters, 29 voted for Teamsters Local 676, 130 voted for Camden Council No. 10, 8 voted for neither organization and there were 25 challenged ballots. In Voting Group B, a majority of valid votes counted plus challenged ballots was cast for Camden Council No. 10. However, in Voting Group A, the challenges are determinative. No certification of representative has been issued in Voting Group B because if Council No. 10 were to receive a majority of valid votes counted in Voting Group B, a single certification including both Group A and B would be issued in conformity with the original decision.

The City Attorney, by affidavit dated August 7, 1970, has sworn that 25 of the challenged ballots in Voting Group A were eligible voters whose names were left off the eligibility list through inadvertance. The names and job titles of these 25 voters are listed below:

1. A. Alisea	Equipment operator (sweeper)
2. W. L. Alston	Truck Driver
3. R. W. Floyd	Heavy Laborer
4. C. Milton	Asphalt Raker
5. R. Baker	Traffic Signal Repairman
6. J. Marcum	Parking Lot Attendant
7. J. Acconey	Chief Maintenance
8. L. Seddens	Laborer
9. L. Nickles	Foreman - Traffic Engineering
10. D. Albert	Mechanical Repairman
11. R. Riemer	Chief Electrician
12. C. Jones	Foreman Engineering Bureau
13. A. Barresi	Foreman
14. M. Bayward	Truck Driver
15. A. Gallucci	Truck Driver
16. W. Becket	Senior Parking Attendant
17. W. Frazier	Traffic Maintenance
18. W. Meyers	Foreman Building Maintenance
19. J. Pabst	Senior Maintenance Repairman
20. A. Wilmer	Maintenance Repairman
21. J. Keel	Maintenance Repairman
22. I. Paul	Superintendent - Recreation Department
23. J. Sharp	Heavy Equipment Operator
24. W. R. Wilson	Storekeeper
25. R. McClintock	Heavy Equipment Operator

Each of these voters was challenged by the Commission agent because the voter's name was not included on the eligibility list. From a comparison of the job titles with the unit description set forth in the original Decision and Direction of Elections, it is clear that all of the above-named individuals with the possible exceptions of A. Barresi and J. Acconey are in job titles which are included in the unit. In view of this fact and the affidavit from the City Attorney that the names were left off the list through inadvertence, the Commission is prepared to remove its challenges to the individuals listed above with the exception of A. Barresi and J. Acconey whose status is not clear.


By certified letter to the employee organizations dated August 19, 1970, the parties were given until the close of business August 31, 1970 to submit evidence relevant to the issue of the eligibility of those named above. No response was received from Camden Council No. 10.

Teamsters Local 676 sent a letter dated August 28, 1970 and received August 31, 1970 indicating that they questioned the inclusion in the tally of ballots of those ballots that had been challenged. The basis for this position, according to their letter, is that, because these names were left off the eligibility list by the City, Teamsters Local 676 was deprived of pre-election access to these persons for purposes of campaigning. This failure, it is stated, due to the closeness of the election, materially harmed the chances of Teamsters Local 676.

The undersigned does not regard this letter as constituting a challenge to the eligibility of any of the 25 individuals listed above,

but rather regards it as an untimely objection to conduct affecting the results of the election. 2/

Based upon the Employer's explanation, and in the absence of any evidence casting doubt upon their eligibility, the undersigned hereby overrules the Commission challenges to the ballots of the 23 voters specified above and directs that these challenged ballots be counted and that a revised tally of ballots be served upon the parties. If the revised tally shows that Camden Council No. 10, New Jersey Civil Service Association, has received a majority of the valid ballots cast, plus challenged ballots, an appropriate certification will issue. If the remaining challenges are determinative, then they shall be resolved through a subsequent proceeding.



Louis Aronin
Executive Director

DATED: September 17, 1970
Trenton, New Jersey

2/ Since the tally of ballots was served on the employee organizations August 7, 1970, objections had to have been filed by August 17, 1970 to be timely filed.