

D.R. NO. 98-5

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

In the Matter of

SOUTH JERSEY PORT CORPORATION,

Public Employer,

-and-

SECURITY OFFICERS, POLICE & GUARD
UNION, LOCAL 1536,

Docket No. RD-97-6

Employee Organization,

-and-

PAUL HOHNEY,

Petitioner.

SYNOPSIS

The Director of Representation orders a decertification election in a unit of security employees employed by South Jersey Port Corporation. The Director holds that two charges filed by the incumbent union, Local 1536, should no longer be accorded blocking effect.

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Appearances:

For the Public Employer
Apruzzese, McDermott, Mastro & Murphy, attorneys
(Frank X. McDermott, of counsel)

For the Employee Organization
Spear, Wilderman, Borish, Endy, Spear & Runckel, attorneys
(Charles T. Joyce, of counsel)

For the Petitioner
Paul Hohney, pro se

DECISION AND DIRECTION OF ELECTION

On April 28, 1997, Paul Hohney filed a petition seeking to decertify the Security Officers, Police and Guard Union, Local 1536, as the majority representative of all security employees employed by the South Jersey Port Corporation.

By letter dated May 22, 1997, Local 1536 requested that the processing of this petition be blocked, pending the resolution

of its unfair practice charges, CO-H-96-57 and CO-H-96-316. In letters dated June 5 and June 6, 1997, Hohney and the Corporation, respectively, argued that the charges should not block the processing of the petition.

By June 13, 1997 letter, I noted that the hearing in CO-H-96-57 already had been completed and a hearing examiner decision was forthcoming. Accordingly, in lieu of an investigation, I would pend the processing of the representation petition until a decision in CO-H-96-57 was issued. I indicated that I would then review it and re-evaluate whether the charges should continue to be accorded blocking effect.

On August 15, 1997, the Hearing Examiner issued his decision in CO-H-96-57. See H.E. No. 98-8, __ NJPER __ (¶____ 1997). The Hearing Examiner found that the Corporation did not discharge Joseph Epstein because of his protected activity and recommended that the Commission dismiss the charge in its entirety. I reviewed the decision and concluded that it would not be appropriate to continue to accord the allegations in CO-H-96-57 blocking effect.

Local 1536 was given until September 2, 1997, to submit a statement of position, affidavits and any other documentation showing why the allegations in CO-H-96-316 should continue to be accorded blocking effect.^{1/}

^{1/} There has yet to be a hearing on this charge.

Local 1536 submitted a short position statement on September 2, 1997. However, it was not accompanied by the affidavits and other documentation requested. Nor did it allege specific facts but is simply a conclusionary statement. Thus, Local 1536 has failed to show a nexus between the allegations in CO-H-96-316 and being unable to have a free and fair election. State of New Jersey, D.R. No. 81-20, 7 NJPER 41 (¶12019 1980), aff'd P.E.R.C. No. 81-94, 7 NJPER 105 (¶12044 1981), mot. for recon. den. P.E.R.C. No. 81-95, 7 NJPER 133 (¶12056 1989). Therefore, I hereby direct that a decertification election be conducted among the employees in the petitioned-for unit, comprised as follows:

Included: All full-time and part-time security employees employed by the South Jersey Port Corporation.

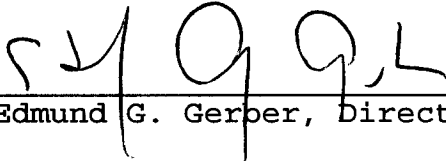
Excluded: Chief of security, managerial executives, confidential employees, craft employees, professional employees, supervisory employees within the meaning of the Act, police employees and all other employees employed by the South Jersey Port Corporation.

The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are 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. 19:11-10.1, the public employer is directed to file with us an eligibility list consisting of an alphabetical listing of the names of all eligible voters in the unit, together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

The exclusive representative, if any, shall be determined by a majority of the valid votes cast in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: September 4, 1997
Trenton, New Jersey