

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

In the Matter of

TOWNSHIP OF OLD BRIDGE,

Public Employer,

-and-

DOCKET NO. RO-80-120

OLD BRIDGE DISPATCHERS UNION,

Petitioner.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, directs an election among civilian dispatchers to ascertain whether they desire to be represented by Petitioner for the purpose of collective negotiations. Although the Township argued that a possible implementation of a management study recommending the elimination of civilian dispatchers' positions was foreseeable, the Director finds that there are no substantial and material issues in dispute which would warrant the convening of an evidentiary hearing and that the conduct of an election is appropriate. The appropriateness of the proposed unit was not placed in dispute.

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Appearances:

For the Public Employer
John P. Morse, Township Manager

For the Petitioner
Boxco-McDonnell Associates
(William P. McDonnell, consultant)

DECISION AND DIRECTION OF ELECTION

On January 7, 1980, a Petition for Certification of Public Employee Representative, accompanied by an adequate showing of interest, was timely filed with the Public Employment Relations Commission (the "Commission") by the Old Bridge Dispatchers Union (the "Petitioner") with respect to a proposed unit comprised of all civilian police/fire dispatchers employed by the Township of Old Bridge (the "Township"). The undersigned has caused an administrative investigation to be conducted into the matters and allegations involved in the Petition in order to determine the facts.

On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved at a hearing. Pursuant to N.J.A.C. 19:11-2.6(b), there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Township of Old Bridge is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this Petition, and is subject to the provisions of the Act.

3. The Old Bridge Dispatchers Union is an employee representative within the meaning of the Act and is subject to its provisions.

4. The Petitioner seeks to represent a unit comprised of all civilian police/fire dispatchers employed by the Township. The Petitioner agrees to a secret ballot election to be conducted among the employees in the petitioned-for unit.

5. By letter dated February 8, 1980, the Township opposed the formation of a negotiations unit for the petitioned-for employees. The Township cited a management study, projected for completion within 60 days, concerning the possibility of

of having dispatchers' work done by light duty personnel, such as police officers. The Township contends this would be "a great savings." The Township does not consent to a secret ballot election.

6. On February 20, 1980, the Petitioner filed an Unfair Practice Charge, Docket No. CO-80-260, against the Township raising various allegations of improper conduct during the Petitioner's campaign to secure representational status. On March 3, 1980, the Petitioner requested the Commission to proceed in the representation matter and agreed that the conduct alleged in the Charge occurring prior to the filing of the Petition would not be entertained in a post-election objection proceeding. The Petitioner also requested that the Commission hold the Charge in abeyance, and stated an intent not to seek reactivation of the Charge until and unless the Township declined to negotiate pursuant to Certification of Representative. The undersigned has approved these requests and has determined that it is appropriate to proceed with the instant representation matter.

On March 11, 1980, the undersigned notified the parties that on the basis of the administrative investigation to date, it appeared that no substantial and material factual issues had been placed in dispute and that a valid question concerning representation exists in a prima facie appropriate unit. The undersigned provided an additional opportunity to all parties to present evidence as well as statements of position relating to the

Petition. The undersigned stated that in the absence of any substantial and material factual disputed issues, he would thereafter issue a decision and direction of election. No further evidentiary proffer or statement has been provided to the undersigned, other than a statement of consent by the Petitioner.

Accordingly, there existing no substantial and material factual issues in dispute which may more appropriately be resolved after a hearing, the undersigned finds that the disposition of this matter is properly based upon the administrative investigation herein. Therefore, the undersigned finds that the appropriate unit for collective negotiations is: all civilian police/fire dispatchers employed by the Township of Old Bridge, but excluding all other Township employees including managerial executives, confidential employees, professional and craft employees, police and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs 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 below, 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

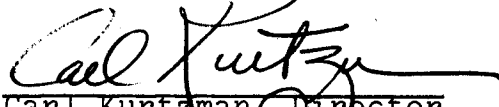
eligible to vote. Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

-Pursuant to N.J.A.C. 19:11-9.6, the Public Employer is directed to file with the undersigned and with the Old Bridge Dispatchers Union 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 the undersigned 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 Old Bridge Dispatchers Union with statement of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by the Old Bridge Dispatchers Union.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the 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 DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATES: March 26, 1980
Trenton, New Jersey