

D.R. NO. 85-20

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

In the Matter of

ATLANTIC COMMUNITY COLLEGE,

Public Employer,

-and-

DOCKET NO. RO-85-96

CULINARY ARTS FACULTY OF ATLANTIC
COMMUNITY COLLEGE/ATLANTIC COMMUNITY
COLLEGE FACULTY ASSOCIATION/N.J.E.A.,

Petitioner.

SYNOPSIS

The Director of Representation orders an election among the culinary arts faculty of Atlantic Community College. The College did not raise any substantial or material issues which would warrant the convening of an evidentiary hearing.

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Appearances:

For the Public Employer
Donio, Greco & Donio, Esqs.
(Louis Greco of counsel)

For the Petitioner
Jerry Veldof, Field Representative
New Jersey Education Association

DECISION AND DIRECTION OF ELECTION

On December 7, 1984, the Atlantic Community College Culinary Arts Faculty Association, affiliated with the Atlantic Community College Faculty Association, N.J.E.A. ("the Association") filed a timely Petition for Certification, accompanied by an adequate showing of interest, with the Public Employment Relations Commission ("the Commission"). The Association seeks to represent a collective negotiations unit of all culinary arts faculty employed by the Atlantic Community College ("the College").

The Association is willing to consent to a secret ballot election among the employees in the unit in order to ascertain their representational desires. The College has declined to enter into a consent election agreement.

I have ordered an administrative investigation to be conducted into the matters and allegations involved in the petition in order to determine the facts. Based upon the administrative investigation, I find and determine 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 after an evidentiary 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 Atlantic Community College is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1.1 et seq., ("the Act"), is subject to its provisions and is the employer of the employees designated in the petition herein.

3. The Atlantic Community College Culinary Arts Faculty Association, affiliated with Atlantic Community College Faculty Association/N.J.E.A. is an employee organization within the meaning of the Act, and is subject to its provisions.

4. The Association seeks to represent a unit comprised of all culinary arts faculty employees employed by Atlantic Community College.

5. The College does not dispute the appropriateness of the petitioned-for unit, but rather, questions whether the inclusion of the title "Chef Supervisor" in a unit of nonsupervisory culinary arts faculty is proper.

6. By letter dated February 26, the Administrator of Representation advised the parties that the unit appeared prima facie appropriate and announced his intention to direct that an election be held among the employees. The parties were provided seven (7) days to submit additional statements of position together with documentary evidence in support thereof raising substantial and material factual issues. No responses have been filed to that letter.

* * *

Accordingly, on the basis of the administrative investigation, I find that a question concerning employee representation exists and the matter is appropriate for the conduct of an election. I find that the appropriate collective negotiations unit is: "all culinary arts faculty employees employed by the Atlantic Community College but excluding supervisors within the meaning of the Act, managerial executives, confidential employees, non-professional employees, craft employees, police, and all other employees of the College." The size of the petitioned-for unit is

approximately 17 employees. It is clear that the unit status of the overwhelming majority of the employees in the petitioned-for unit is not in dispute. Accordingly, the purposes of the Act would best be effectuated if an expeditious election were provided -- wherein the College may challenge the ballot of the employee in the title Chef Supervisor -- should the College still have a good faith doubt concerning the eligibility of that employee to participate in an election in a negotiations unit of non-supervisory faculty employees.

Pursuant to N.J.A.C. 19:11-2.6, the undersigned directs that an election be conducted among the employees in the collective negotiations unit described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are 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. 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. Employees must appear at the polls in person in order to be eligible to vote.


Pursuant to N.J.A.C. 19:11-9.6, the College is directed to file with me and with the Association, an 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 furnished to the Association with a statement of service to me. I will not grant an extension of time within which to file the eligiblity list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they wish to be represented for purposes of collective negotiations by the Atlantic Community College Culinary Arts Association, affiliated with Atlantic Community College Faculty Association/N.J.E.A., or neither.

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

BY ORDER OF THE DIRECTOR



Edmund G. Gerber
Director

DATED: April 4 , 1985
Trenton, New Jersey