

D.R. NO. 2017-4

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

In the Matter of

CITY OF NEWARK,

Public Employer,

-and-

Docket No. AC-2016-007

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 617,

Petitioner.

SYNOPSIS

The Director of Representation grants an amendment of certification requested by the Service Employees International Union, Local 617 to reflect its affiliation with Laundry, Distribution and Food Service Joint Board, Workers United/SEIU. SEIU Local 617 complied with the necessary requirements and the City did not oppose the amendment. Accordingly, Laundry, Distribution and Food Service Joint Board, Workers United/SEIU is the exclusive representative of the unit.

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Appearances:

For the Respondent,
(Willie Parker, Esq., Corporation Counsel)

For the Petitioner,
(Alma C. Henderson, Esq., SEIU Lead Counsel for
Internal Governance)

DECISION

On June 14, 2016, the Service Employees International Union Local 617 (SEIU) filed an Amendment of Certification Petition with the Public Employment Relations Commission (Commission). N.J.A.C. 19:11-1.6. The Petitioner seeks to amend the Certification of Representative to reflect an affiliation with and change in name to Laundry, Distribution and Food Service Joint Board, Workers United/SEIU.

I have conducted an investigation into the matters raised by this petition. N.J.A.C. 19:11-2.2. The public employer, the City of Newark, does not oppose the petition. There are no

substantial material facts in dispute which would require a hearing. N.J.A.C. 19:11-2.6(d)(5).

I make the following:

FINDINGS OF FACT

On November 8, 1999, (Docket No. RO-2000-18), the Commission certified the Petitioner as the exclusive representative of the following unit:

Included: All full-time and part-time employees holding the titles Chief Communication Officer, Communication Officer, Communication Clerk, and supervising police property clerk employed by the City of Newark.

Excluded: Managerial executives, confidential employees, supervisors within the meaning of the Act, police, craft employees, professionals, casual employees and all other employees of the City of Newark.

The petitioner has submitted an affidavit from Alma C. Henderson, Esq., SEIU Lead Counsel for Internal Governance, detailing the procedures followed concerning the change in affiliation, as follows:

1. On April 4, 2016, the Petitioner's membership was notified by posting of notices that a discussion of and vote concerning affiliation with Laundry, Distribution, and Food Service Joint Board, Workers United/SEIU would take place on April 19, 2016 at 1:00 PM and 4:00PM in the employee breakroom at

the Newark Police Department, 311 Washington Street, Newark New Jersey. Notices were posted on the employee bulletin board outside of the room where the members work and in the community room where the membership has meals and takes breaks. (Exhibit A, Henderson Affidavit)

2. The meetings were convened at the times and in the location specified in the notices, and unit members were given the opportunity to discuss, and then vote by secret ballot, on the question of affiliation with Laundry, Distribution and Food Service Joint Board, Workers United/SEIU.

3. Copies of the ballots were appended to the affidavit as Exhibit B.

4. The tally of the secret ballots reflects that there were ten votes in favor of the change in affiliation, and one opposed. (Exhibit C, Henderson Affidavit)

5. Since the vote to amend the certification, the officers, unit structure and composition have remained unchanged, with the exception of the retirement of Trustee Robert Kirkman on August 1, 2016.

ANALYSIS

The Commission's rules establish procedures for amending certifications and our case law establishes the standards for granting such petitions. N.J.A.C. 19:11-1.6; County of Union, D.R. No. 2005-7, 30 NJPER 496 (¶169 2004); Parsippany-Troy Hills

Twp., D.R. No. 94-20, 20 NJPER 280 (¶25079 1994), req. for rev. denied P.E.R.C. No. 94-119, 20 NJPER 279 (¶25141 1994); Cape May Assignment Judge, et al., P.E.R.C. No. 85-60, 11 NJPER 91 (¶16039 1985). Pursuant to N.J.A.C. 19:11-1.6(c), such a petition must be supported by an affidavit attesting that the membership of the certified employee representative voted in favor of the change in name and affiliation. Such affidavit shall specify that:

1. The membership was given advance and adequate notice of the election, as evidenced by an attached copy of a notice of election and a statement of the date of the notice and the manner in which it was provided to members;

2. The election was conducted by secret ballot, as evidenced by an attached copy of the ballot, and was held within six months of the filing of the petition;

3. A majority voted in favor of the change in name and affiliation, as evidenced by the ballots which set forth the results; and

4. The organization's officers and the unit structure remain unchanged.

Additionally, to record an affiliation, an employee organization is required to show that its affiliation procedure afforded the membership with a degree of due process. Adequate due process will be found where the affiliation procedures provide the members with advance notice of the affiliation vote,

an opportunity to discuss the affiliation prior to the vote, and the chance to participate in the affiliation election. Township of Middletown, et al., P.E.R.C. No. 2000-47, 26 NJPER 59, 60 (¶31020 1999); Parsippany-Troy Hills Tp., 20 NJPER at 280; No. Hudson Reg. Fire and Rescue, D.R. No. 2000-13, 26 NJPER 257 (¶31101 2000).

I am satisfied that the Petitioner has met all of the requirements for amendment of certification and has afforded its members adequate due process. Here, members did participate in a secret ballot election on the proposed merger.

Accordingly, the Certification of Representative is amended to reflect that the exclusive negotiations representative is now Laundry, Distribution and Food Service Joint Board, Workers United/SEIU.

BY ORDER OF THE
DIRECTOR OF REPRESENTATION



Gayl R. Mazuco, Esq.

DATED: September 13, 2016
Trenton, New Jersey

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by September 23, 2016.

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:11-8.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:11-8.3.

Any request for review is due by _____.

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PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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CERTIFICATION OF REPRESENTATIVE

An election was conducted in this matter in accordance with the New Jersey Employer-Employee Relations Act, as amended, and the rules of the Public Employment Relations Commission. A majority of the voting employees selected an exclusive majority representative for collective negotiations. No valid timely objections were filed to the election.

Accordingly, **IT IS HEREBY CERTIFIED** that

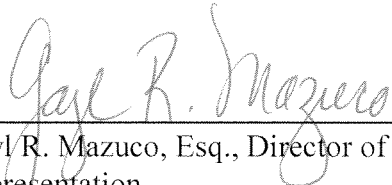
LAUNDRY, DISTRIBUTION AND FOOD SERVICE JOINT BOARD, WORKERS UNITED/SEIU

has been selected by a majority of the employees of the above-named Employer, in the unit described below, as their representative for the purposes of collective negotiations, and that pursuant to the New Jersey Employer-Employee Relations Act, as amended, the representative is the exclusive representative of all the employees in such unit for the purposes of collective negotiations with respect to terms and conditions of employment. The representative is responsible for representing the interests of all unit employees without discrimination and without regard to employee organization membership. The representative and the above-named Employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment as required by the Act.

UNIT: Included: All full-time and part-time employees holding the titles Chief Communication Officer, Communication Officer, Communication Clerk, and supervising police property clerk employed by the City of Newark.

Excluded: Managerial executives, confidential employees, supervisors within the meaning of the Act, police, craft employees, professionals, casual employees and all other employees of the City of Newark.

DATED: September 13, 2016
Trenton, New Jersey



Gayl R. Mazuco, Esq., Director of
Representation

Attachment:

Certification of Representative dated: September 13, 2016

In the Matter of

CITY OF NEWARK

-and-

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 617

Docket No. AC-2016-007

Service on the following:

Willie Parker, Esq., Corporate Counsel
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Alma Henderson, Esq.
SEIU Local 617
1800 Massachusetts Avenue North West
Washington, District of Columbia 20036