

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY BOARD OF  
CHOSEN FREEHOLDERS,

Public Employer,

-and-

Docket No. RO-84-65

ASSOCIATION OF HUDSON COUNTY  
NURSING SUPERVISORS, a/w DISTRICT  
1199J, NUHHCE, RWDSU/AFL-CIO,

Petitioner.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, denies requests from the Hudson County Board of Chosen Freeholders for review of a direction of election and a stay of election among the County's nursing supervisors at two hospitals. The County had asserted that an election should not be held because the petitioner, the Association of Hudson County Nursing Supervisors, was an affiliate of District 1199J, NUHHCE, RWDSU/AFL-CIO and another affiliate of District 1199J already represented the County's non-supervisory nurses. An appropriate certification, however, was submitted showing that the Association had a legal organizational structure and did not admit any non-supervisory employees to membership. Thus, the Association was qualified to participate in the election. Any challenge based on conduct which the Association might engage in if elected is premature and must instead be raised later through unfair practice proceedings or other appropriate administrative proceedings.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HUDSON COUNTY BOARD OF  
CHOSEN FREEHOLDERS,

Public Employer,

-and-

Docket No. RO-84-65

ASSOCIATION OF HUDSON COUNTY  
NURSING SUPERVISORS, a/w DISTRICT  
1199J, NUHHCE, RWDSU/AFL-CIO,

Petitioner.

Appearances:

For the Public Employer, Murray & Granello, Esqs.  
(Robert T. Clarke, of Counsel)

For the Petitioner, Rothbard, Harris & Oxfeld, Esqs.  
(Nancy Iris Oxfeld, of Counsel)

DECISION AND ORDER

On January 10, 1984, the Association of Hudson County Nursing Supervisors ("Association"), affiliated with District 1199J ("District 1199J"), National Union of Hospital and Health Care Employees, RWDSU/AFL-CIO, filed a Petition for Certification of Employee Representative with the Public Employment Relations Commission. The Association seeks to represent a negotiations unit of all full-time and regular part-time nursing supervisors whom the Hudson County Board of Chosen Freeholders ("County") employs at Meadowview and Pollack Hospitals.

There is no dispute that the petitioned-for unit is appropriate. The County, however, questions the appropriateness of permitting an organization affiliated with District 1199J to

participate in an election concerning the representation of the nursing supervisors since another affiliate of District 1199J, the United Nurses Organization, represents non-supervisory nursing personnel at the two hospitals.

The Administrator of Representation Proceedings conducted an investigation of the County's claim. The parties submitted statements of position and the Board submitted excerpts from 1199J newsletters allegedly showing that employees represented by District 1199J affiliates in different units in different states have supported each other's negotiations positions. During that investigation, District 1199J's Secretary-Treasurer submitted an affidavit certifying that the Association did not admit any non-supervisory employees to membership, that the Association, if elected, would control contract negotiations and administration for the employees it would represent; and that non-supervisory employees would have no role whatsoever in contract negotiations or administration.

On May 2, 1984, the Administrator of Representation Proceedings directed an election in the petitioned-for unit. D.R. No. 84-21, 10 NJPER \_\_\_\_ (¶ \_\_\_\_ 1984). He found that the affidavit submitted by District 1199J's Secretary-Treasurer complied with the certification requirements of In re City of Camden, P.E.R.C. No. 82-89, 8 NJPER 226 (¶13094 1982) ("Camden") and that any claim as to how the Association might act, if elected, was premature and could be later considered, if necessary, through the filing of an unfair practice charge.

On May 11, 1984, the County requested review of the direction of election and a stay of the election. It reasserts

that a hearing should be held on its claim that the Association, if elected, will be controlled by District 1199J.

On May 23, 1984, the Association filed a statement opposing review and a stay.

Pursuant to N.J.S.A. 34:13A-6(f), the full Commission has delegated authority to me to consider the instant requests for review and a stay. Exercising this authority, I decline these requests.

Pursuant to N.J.A.C. 19:11-8.2, a request for review will only be granted upon one or more of the following grounds:

1. That a substantial question of law is raised concerning the interpretation or administration of the act or these rules;

2. That the director of representation's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of the party seeking review;

3. That the conduct of the hearing or any ruling made in connection with the proceeding may have resulted in prejudicial error; and/or

4. That there are compelling reasons for reconsideration of an important commission rule or policy.

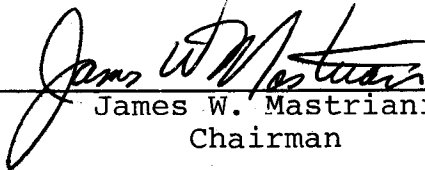
Based on my review of the record and the parties' submissions, I find that none of these grounds is present in the instant case. The Administrator's opinion accurately sets forth the facts and applies the law. The affidavit submitted satisfies Camden's requirement that a petitioner have an appropriate organizational structure before an election; the County's claim that the Association, if elected, might engage in inappropriate conduct may be tested later, if necessary, through unfair practice proceedings

or other appropriate administrative proceedings. Accordingly, I decline the County's request for review and a stay of the election.

ORDER

The County's requests for review of the Direction of Election and a stay of election are denied.

BY ORDER OF THE COMMISSION

  
\_\_\_\_\_  
James W. Mastriani  
Chairman

DATED: Trenton, New Jersey  
May 31, 1984