

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PORT AUTHORITY TRANSIT CORPORATION,
subsidiary of Delaware River Port Authority

Public Employer

and

TEAMSTERS LOCAL UNION 676, affiliated with
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF
AMERICA

Docket No. R-14

Petitioner

and

TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO
and its LOCAL 234

Intervenor

SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVE

Pursuant to a Decision and Direction of Election dated September 23, 1969, (P.E.R.C. NO. 15), a secret ballot election was conducted by the Commission on October 20, 1969 among the employees in the unit described below. Following the election, the parties were served with a tally of ballots, which showed that of approximately 112 eligible voters, 97 votes were cast, of which 93 were for the Petitioner, two were for the Intervenor and two ballots were challenged. On October 21, 1969, the Executive Director of the Commission received a letter from the attorney for the Intervenor Transport Workers Union. The letter, which is attached hereto, is hereby considered as timely objections to the conduct of the election or conduct affecting the results of the election.

Pursuant to Section 19:15-11 of the Rules and Regulations, the instant matter is transferred to the Commission for appropriate action.

The Commission having considered all of the facts finds:

The Intervenor was on notice that an election would be held by virtue of the Commission's Decision and Direction of Election dated September 23, 1969 and notice from the Commission's election officer, the American Arbitration Association, dated October 14, 1969. Furthermore, the Commission's wire of October 17, 1969 was delivered to Intervenor's Counsel and to all other parties at their last known address advising the parties that the election would be held as scheduled. Although the American Arbitration Association was enjoined from conducting the election scheduled for October 20, 1969, this injunction did not preclude the Commission from conducting the election utilizing its personnel. Intervenor, therefore, had no basis to assume that the election would not be conducted as scheduled. That the voters had notice of the election is evidenced by the fact that 97 of the 112 eligible voters participated in the election.

Based upon all of the above, the Commission finds that the objections do not raise any substantial or material issues to warrant setting aside the election conducted on October 20, 1969.

Accordingly, as the objections have been overruled and it appearing from the tally of ballots that an exclusive representative for collective negotiations has been selected;

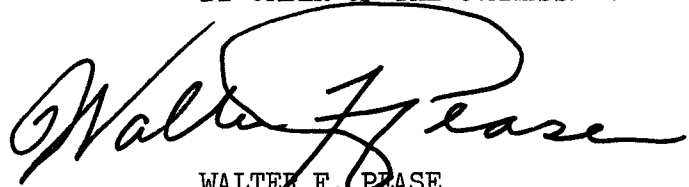
Pursuant to the authority vested in the Commission,

IT IS HEREBY CERTIFIED that Teamsters Local Union 676, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America has been designated and selected by a majority of the employees of the above-named Public 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 of 1968, the said organization 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.

Unit: All hourly paid employees of PATCO, but excluding office clerical employees, managerial executives, policemen, professional employees, craft employees and supervisors within the meaning of the Act.

BY ORDER OF THE COMMISSION

A handwritten signature in cursive script, reading "Walter F. Pease". The signature is written in black ink and is positioned above the printed name and title.

WALTER F. PEASE
CHAIRMAN

DATED: November 5, 1969
Trenton, New Jersey

ATTORNEYS AND COUNSELLORS AT LAW

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I. LEONARD HOFFMAN
JEFFREY A. WEINER
EDWIN R. RUBIN

October 20, 1969

Mr. Louis S. Wallerstein,
Executive Director
Public Employment Relations Commission
John Fitch Plaza
P. O. Box V
Trenton, New Jersey 08625

RE: TWU vs. PATCO

Dear Mr. Wallerstein:

At 1:00 p.m. today when I returned from Court, the office of the Transport Workers Union Local 234 called me and informed me as follows:

1. They received today my Saturday, October 18, 1969 letter in the mail.
2. The Union never received a telegram from PERC.
3. The Union learned today that PERC had sent a telegram to Andrew Kaelin, former Vice President of the International Transport Workers Union. As PERC is aware, Mr. Kaelin retired several months ago and has been inactive in this case for some time.
4. The telegram that was delivered to Mr. Kaelin's office was delivered near the close of the business day, and the TWU Local 234 was not informed of its contents until today.

Once again, for all of the reasons related to you previously, as well as for the insufficient notice of this election, the election in my opinion would seem to be a nullity.

Very truly yours,


LEONARD M. SAGOT

LMS/j

ETTINGER · POSERINA · SILVERMAN · DUBIN · ANAPOL & SAGOT

Mr. Louis S. Wallerstein

October 20, 1969

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ccs: Hon. Jay H. Eiseman
John B. Martin, Esq.
Howard S. Simonoff, Esq.
Mr. David Walker, DRPA
Alfred R. Pierce, Chairman, DRPA
John O'Donnell, Esq.
Mr. Joseph Donato, TWU
Mr. Andrew Kaelin