

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

RANDOLPH TOWNSHIP

Public Employer

and

Docket No. R-71

TEAMSTERS LOCAL 97 of New Jersey affiliated
with INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN and HELPERS OF
AMERICA

Petitioner

DECISION AND DIRECTION OF ELECTION

Pursuant to a Notice of Hearing to resolve a question concerning the representation of certain employees of Randolph Township, a hearing was held on June 27, 1969 before ad hoc Hearing Officer Milton Friedman at which all parties were given an opportunity to present evidence and to argue orally. Thereafter, on August 20, 1969, the ad hoc Hearing Officer issued a Report and Recommendations. Exceptions have not been filed to the Hearing Officer's Report and Recommendations. The Commission has considered the record and the Hearing Officer's Report and Recommendations and finds:

1. Randolph Township is a public employer within the meaning of the Act and is subject to the provisions of the Act.
2. Teamsters Local 97 of New Jersey affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America is an employee representative within the meaning of the Act.
3. The public employer having refused to recognize the employee representative as the exclusive representative of certain employees a question concerning the representation of public employees exists and the matter is appropriately before the Commission for determination.

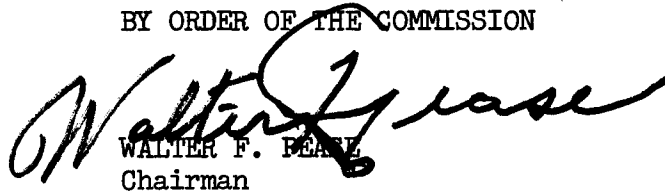
4. In the absence of Exceptions to the Hearing Officer's Report and Recommendations, attached hereto and made a part hereof, the Commission adopts the Hearing Officer's Report and Recommendations pro forma.
5. Accordingly, the Commission finds the appropriate collective negotiating unit is: "All full-time and regular part-time employees in the Department of Public Works, Recreation and Parks, Health, and Building Inspection, but excluding managerial executives, craft employees, professional employees, clerical employees, seasonal employees, policemen and supervisors as defined in the Act."
6. The Commission directs that a secret-ballot election shall be conducted among the employees in the unit found appropriate. The election shall be conducted as soon as possible but no later than thirty (30) days from the date set forth below.

Those eligible to vote are employees set forth in Section 5 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 quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by the Teamsters Local 97 of New Jersey affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

The majority representatives shall be determined by a majority of the valid ballots cast.

BY ORDER OF THE COMMISSION


WALTER F. BEASE
Chairman

DATED: September 16, 1969

Trenton, New Jersey

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Representation :
Proceedings Between :
RANDOLPH TOWNSHIP :
-and- :
TEAMSTERS LOCAL 97 :
-----X

REPORT
and
RECOMMENDATIONS
of
HEARING OFFICER
(Docket No. R-71)

APPEARANCES:

For the Employer:

Carpenter, Bennett & Morrissey, Attorneys
By: Edward F. Ryan, Esq.
James J. Crowley, Esq.
Alfred Villoresi, Esq., Township Attorney
Russell E. Stevens, Jr., Mayor
Kenneth M. McDonald, Township Manager

For the Union:

E. Henry Garrod, Secretary-Treasurer
Andrew Trause, Business Representative
Arnold Ross, Business Representative

In accordance with the Notice of Representation Hearing issued by the Commission, a hearing in the above matter was held on June 27, 1969. During the hearing, the parties arrived at a mutually satisfactory solution of the issue of the composition of the appropriate unit.

The Township disputed the majority claim of the Union. The Union has submitted evidence of a showing of interest sufficient to warrant an election in which the employees may determine whether or not they wish to be represented by it.

Following the hearing, the Township Manager forwarded to Louis S. Wallerstein, Executive Director of the Commission, to the Hearing Officer, and to the interested parties, a petition dated July 15, 1969, containing seven signatures, which stated that "we, the undersigned employees of the Department of Public Works of the Township of Randolph hereby officially withdraw our request made on our behalf by Teamsters Local #97 of New Jersey to conduct an election..." The document adds that "an election will serve no useful purpose" and asks "that this entire matter be dropped effective immediately."

However, the hearing had been closed on June 27, and no request had been made by any party for an opportunity to produce additional evidence or argument. In any case, the fairest and most expeditious manner in which the representation issue can be resolved, given the parties' agreement on appropriate unit, is by a secret-ballot election in which each employee can vote whether or not he desires to be represented by the Union. Such an election will finally dispose of any and all questions of representation.


Therefore the undersigned herewith sets forth the following

RECOMMENDATIONS

1. The appropriate unit shall consist of all full-time and regular part-time employees in the Departments of Public Works, Recreation and Parks, Health, and Building Inspection, excluding supervisory, clerical, managerial executives and seasonal.

The employees and job titles in the unit are inclusive of the names and job titles as set forth on Employer Exhibit No. 2 (attached hereto), with the addition of the Department of Building Inspection, which includes Charles J. Feminella, Jr., a Building Inspector, but excluding the Department of Finance and the Office of Clerk. The employees of all Departments not specifically named as in the unit are excluded from it.

2. The eligible voters shall be those in the unit set forth herein who are on the payroll during the payroll period including the date of PERC's order of election, and who are so employed on the date of the election.
3. The Public Employment Relations Commission shall, in consultation with the parties, fix the time and place of a representation election, and the rules governing it.


Milton Friedman
Hearing Officer

Dated: August 20, 1969