



United Public Service Employees Union PASSAIC VALLEY SEWAGE COMMISSION White Collar Unit News Update

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Issues/Concerns

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UPSEU CERTIFIED DESPITE GROUNDLESS OBJECTION TO ELECTION!

On March 11, 2011 PERC (Public Employment Relations Commission) rejected L1158 IBEW claim that the PVSC endorsed UPSEU and that the election be set aside. The Commission found no validity to IBEW's claim. They stated in their decision that:

"The factual findings are based on the certifications of those with firsthand knowledge of what occurred. Neither Valente nor Calabro was present during the tour; neither has firsthand knowledge of what occurred. I do not rely on Valente or Calabro's certifications."

This led the Commission to conclude that IBEW 1158 did not support its claim at the most basic level. Thus PERC rejected their unfounded claim and certified UPSEU as the legitimate representative of the *White Collar Unit*.

UPSEU

Member Benefits

Once you become a UPSEU member, you will receive a \$10,000 Accidental Death & Dismemberment Insurance Plan at no cost. The form can be downloaded from our website at www.upseu.org.

On-line Defensive Driving Course is available online for members only at a discount rate of \$25.50. Register on our website to obtain code.

To become a full UPSEU member you must
sign a white application form.

P.E.R.C HOLDS PRE-HEARING CONFERENCE

January 25, 2011, Governor Christy issued Executive Order #55. In the order, he proclaimed that a State of Emergency existed within the Passaic Valley Sewerage District. Shortly after, PVSC Commissioner Wayne Forrest reduced the salaries of those making over \$100,000 as well as modifying the personnel handbook and changing the benefits outlined within the handbook. Then on February 2, 2011, they began the well-publicized terminations.



In response, UPSEU filed two Unfair Labor Practices (ULP) against PVSC. Employees that had been terminated called the office and were informed that they were now part of the class action filing.

On March 24, 2011 Representative Mark A. McCart and UPSEU Labor Attorney Matt Rocco met with PERC agent Mellissa Ferrara and representative of PVSC in a pre-hearing conference. Both parties outlined their positions.

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OVER

PASSAIC VALLEY SEWAGE COMMISSION

White Collar Unit News Update Continued

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P.E.R.C HOLDS PRE-HEARING CONFERENCE cont'd.

PVSC asserted that, "The Executive Director, for the duration of this State of Emergency ... has the right to hire, fire, discipline promote and demote employees." UPSEU argued that clearly the Governor and PVSC were terminating these employees due to their recent successful attempt to unionize.

PVSC stated for the record, that the termination had nothing to do with union activity nor had any of the employees been terminated for "Just Cause." In short, **they had been terminated because of the Governor's Executive Order demanding that PVSC reduce staff.** They agreed that the terminated employees were eligible for re-employment should PVSC need additional staff.

PERC recommended that both parties meet and discuss an agreement that would allow for a "Recall" or "Preferred Re-Hire" list. Both parties agreed to hold the matter in abeyance for forty-five (45) days and that *the parties would meet to discuss a rehire agreement.*

There was no such agreement in the matter of reducing salaries or the changing of benefits during an attempt to join a union. Management stated that Christie's order required them to take the action and they simply complied. The union maintained its position that it violated PERC statute. **Agent Ferrara agreed there was sufficient evidence to warrant a formal hearing and would so order that a hearing be placed on the calendar.**

It is the union's position that Executive Order #55 violated PERC statutes and that Governor Christie did not have the right to violate the workers' rights under the law.

