

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**BOROUGH OF SOUTH RIVER
Employer**

and

Case 22-WH-143566

**AFSCME COUNCIL 73
LOCAL 3440-3
Petitioner**

**CERTIFICATION OF REPRESENTATIVE AS BONA FIDE
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On December 22, 2014, Counsel for AFSCME Council 73 Local 3440-3 (the Petitioner) filed with the Regional Director for Region 22 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 207(b).

On December 1, 2016, the Regional Director for Region 22 served on the parties a Notice to Show Cause why the Board should not grant the request. No written response was filed, but the Employer orally informed the Region that it did not oppose the certification of the Petitioner. As the Region's investigation revealed that the Petitioner is the recognized exclusive collective-bargaining representative of the unit employees,¹ the Regional Director recommended to the Board that the requested certification be issued.

¹ The record indicates that the Employer is a public sector employer, and the case file includes a copy of the Certification of Representative Based Upon Authorization Cards issued February 3, 2014, by the New Jersey Public Employment Relations Commission. The record also includes a copy of the parties' most recent collective-bargaining agreement, effective by its terms from January 1, 2016 through December 31, 2018.

No party having shown cause why the requested certification should not be issued, the National Labor Relations Board certifies that AFSCME Council 73, Local 3440-3 is a bona fide representative, for purposes of Section 7(b) of the FLSA, of the employees of the Borough of South River in the following unit:²

Included: All regularly employed nonsupervisory dispatchers and communications personnel employed by the Borough of South River.

Excluded: Managerial executives, confidential employees and supervisors within the meaning of the Act; professional employees, craft employees, police, casual employees, and all other employees employed by the Borough of South River.

Dated, Washington, D.C., April 18, 2017

By direction of the Board:

Gary Shinnors

Executive Secretary

² A certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).