

D.R. NO. 89-13

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF REPRESENTATION

In the Matter of

COUNTY OF UNION,

Public Employer,

-and-

PARKS, MAINTENANCE/CRAFTSMEN
AND MECHANICS ASSOCIATION,

Docket No. RO-89-26

Petitioner,

-and-

COUNCIL NO. 8, NEW JERSEY CIVIL
SERVICE ASSOCIATION,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a Petition seeking to sever mechanics from an existing County-wide unit of blue and white collar employees. The Petitioner sought to add these mechanics to its unit of park maintenance employees, which also includes mechanics, on the basis of their common interests and interchangeability. The Director finds these reasons insufficient to meet the Jefferson Tp. standards for severance. The Director also notes that Petitioner can seek to protect its unit work from assignments outside its unit by other filings with the Commission.

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SERVICE ASSOCIATION,

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Appearances:

For the Employer
DeMaria, Ellis & Hunt, Esqs.
(Brian Flynn, of counsel)

For the Petitioner
Weinberg & Kaplow, Esqs.
(Irwin Weinberg, of counsel)

For the Intervenor
Fox & Fox, Esqs.
(David I. Fox, of counsel)

DECISION

On September 19, 1988, the Parks, Maintenance, Craftsmen and Mechanics Association ("PMCMA") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission ("Commission"). The petition was supported by an adequate showing of interest. By its petition,

PMCMA seeks to add all mechanics employed by Union County to its existing collective negotiations unit of parks employees, which also includes mechanics. The mechanics sought are presently represented by Union Council No. 8, New Jersey Civil Service Association ("Council 8") in a broad-based unit of all County employees. Council 8 objects to the severance of these mechanics from its unit.

We have conducted an administrative investigation into the issues raised by this petition to determine the facts. N.J.A.C. 19:11-2.2. The following facts appear:

PMCMA was certified to represent County blue collar and craft employees in the County parks system in February, 1987. Its unit includes five mechanics.

Council 8 represents a broad-based unit of approximately 1,200 County blue collar and white collar employees, excluding employees in the County parks.^{1/} Fifteen mechanics are represented by Council 8 in this unit.

PMCMA asserts that each of the 20 mechanics are assigned to one of the County's four garages; they are all supervised by one of the garage supervisors from a County garage. PMCMA asserts that the supervisor routinely reassigns mechanics from one garage to another based upon the workload. Further, PMCMA alleges that as its

^{1/} Parks employees have historically been represented in a separate unit because the parks system was at one time operated by the Union County Park Commission, an autonomous employer. Prior to 1987, this unit was represented by Local 68, International Union of Operating Engineers.

mechanics' positions have become vacant, they have been filled with Council 8 mechanics. PMCMA asserts that this interchangeability among the mechanics dictates that they should all be included in the same collective negotiations unit.

Finally, PMCMA alleges that Council 8 has failed to adequately represent the mechanics who, it contends, are skilled craftsmen. PMCMA notes that Council 8 mechanics are paid \$2,000 less than PMCMA mechanics. Second, it contends that the most recently negotiated Council 8 agreement provides a flat hourly rate increase for unit members, which favors lower-paid employees over higher-paid employees.

Under these circumstances, the negotiations unit sought by the Petitioner is inappropriate. The Commission has previously established the standard by which petitions requesting severance of employees from an existing unit must be considered. In Jefferson Tp. Bd. of Ed., P.E.R.C. No. 61 (1971), the Commission stated:

The underlying issue is a policy one: assuming without deciding that a community of interest exists for the unit sought, should that consideration prevail and be permitted to disturb the existing relationship in the absence of a showing that such a relationship is unstable or that the incumbent organization has not provided responsible representation. We think not. To hold otherwise, would leave every unit open for re-definition simply on a showing that one sub-category of employees enjoyed a community of interest among themselves. Such a course would predictably lead to continuous agitation and uncertainty, would run counter to the statutory objective and would, for that matter, ignore that the existing relationship may also demonstrate its own community of interest.

PMCMA argues that the mechanics in the Council 8 unit have been denied fair representation in that they are paid \$2,000 less than parks mechanics with whom they work side-by-side. PMCMA contends that Council 8 negotiated and settled for a pay increase based upon a flat hourly amount and did not consider employees' skill levels or craft status in their negotiations concerning the various job classifications covered by its contract. We have held that providing fixed-amount, across-the-board increases to unit employees does not violate an employee representative's obligation to its unit members to provide fair and responsible representation. Clifton Bd. of Ed., D.R. No. 80-18, 6 NJPER 40 (¶11020 1979).

PMCMA also contends that mechanics should all be placed in one unit to end the confusion created by the employer's interchanging use of the mechanics. PMCMA asserts that having mechanics in two units compels the employer to limit transfers of mechanics and interferes with the County's ability to meet its own needs for mechanical services.

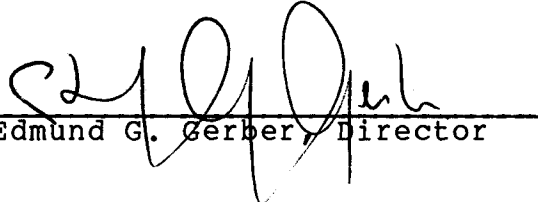
First, if as PMCMA asserted, the County assigns PMCMA unit work to Council 8 mechanics, PMCMA may, through other filings with the Commission, seek to protect its unit work. See Passaic Cty. Reg. H.S. Dist., P.E.R.C. No. 81-107, 7 NJPER 155 (¶12068 1981). Second, we note that the County has not taken a position on this petition, nor has it taken any action seeking to restructure its negotiations units. Further, the County has not complained that it is unable to properly manage its operations because its ability to

transfer employees is limited by the structure of its collective negotiations units.

Although the Commission has found that the free interchange of employees from different units may show a community of interest among such employees for purposes of determining appropriate unit structure, that showing will not override a long history of stable collective negotiations in separate units. See Passaic Cty., P.E.R.C. No. 87-123, 13 NJPER 298 (¶18125 1987). Such interchange does not justify the severance of Council 8's mechanics from the broad-based unit.

Based upon the foregoing, we find that the Commission's severance standard has not been met. Accordingly, the petition is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: January 19, 1989
Trenton, New Jersey