

D.R. NO. 92-1

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

In the Matter of

TOWNSHIP OF IRVINGTON,

Public Employer,

-and-

IUISTHE, DISTRICT 6,

Docket No. RO-91-161

Petitioner,

-and-

IRVINGTON M.E.A.,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a representation petition filed by IUISTHE, District 6. The Director determines that there was no appropriate basis upon which to grant a severance of the existing broad-based white collar and blue collar unit. Accordingly, the petition was dismissed.

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Appearances:

For the Public Employer
McCormack & Petrolle, attorneys
(Michael A. Petrolle, of counsel)

For the Petitioner
Szaferman, Lakind, Blumstein, Watter & Blader, attorneys
(Sidney H. Lehmann, of counsel)

For the Intervenor
Cifelli & Davie, attorneys
(Kenneth P. Davie, of counsel)

DECISION

On April 1, 1991, District 6, International Union of Industrial, Service, Transport and Health Employees Union ("District 6") filed a representation petition seeking to represent about 60 "sanitation department, department of streets, water and sewer and other blue collar employees" employed by the Township of Irvington

("Township"). These employees are currently represented by the Irvington Municipal Employees Association ("Association") in a broad-based unit of about 220 full-time and part-time white collar and blue collar employees. The Township and Association oppose the petition, claiming that the proposed unit is inappropriate.

The current agreement between the Township and Association extends from July 1, 1988 through June 30, 1991 and contains rates of pay, a grievance procedure, a seniority provision, holiday schedule and other articles setting terms and conditions of employment.

N.J.S.A. 34:13A-6(d) provides that the Commission shall determine the appropriate unit for collective negotiations. In making unit determinations, we must consider the general statutory intent of promoting stable and harmonious employer-employee relations. The Commission is charged with the responsibility of determining the most appropriate unit when there is a dispute. State v. Prof. Assn. of N.J. Dept. of Ed., 64 N.J. 231 (1974).

The Commission has established a standard by which petitions requesting severance of employees from an existing unit must be evaluated. 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

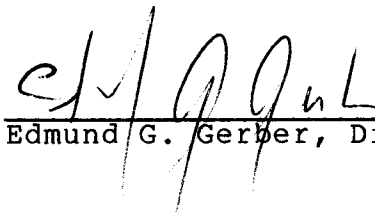
hold otherwise would leave every unit open for re-definition simply on a showing that one sub-category of employees enjoyed a community of interest among themselves. Such a course would predictably lead to continuous agitation and uncertainty, would run counter to the statutory objective and would, for that matter, ignore that the existing relationship may also demonstrate its own community of interest.

See also Mercer Cty., P.E.R.C. No. 89-112, 15 NJPER 277 (¶20121 1989); Sussex-Wantage Bd. of Ed., P.E.R.C. No. 88-113, 14 NJPER 346 (¶19133 1988); Middletown Tp. Bd. of Ed., P.E.R.C. No. 88-44, 13 NJPER 841 (¶18322 1987); Passaic Cty. Tech. and Voc. H.S. Bd. of Ed., P.E.R.C. No. 87-73, 13 NJPER 63 (¶18026 1986). Severance is appropriate only when there is a record of unstable labor-management relations or when the majority representative has not responsibly represented its unit employees.

District 6 has not alleged that the Association's collective negotiations relationship with the Township is unstable or that the Association has not provided responsible representation to the blue collar employees in the unit.

Accordingly, I determine that a separate unit of the Township's blue collar employees is not appropriate and I dismiss the petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: July 5, 1991
Trenton, New Jersey