

D.R. NO. 91-27

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

In the Matter of

BOROUGH OF POINT PLEASANT,

Public Employer,

-and-

Docket No. RO-91-108

COMMUNICATION OPERATORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a representation petition filed by the Communication Operators Association. The Association sought to represent four communication operators. The Borough of Point Pleasant opposed the petition.

The Director dismissed the petition, finding that the most appropriate unit for these employees was comprised of clerical employees. The Director also noted that almost 100 organizable Borough employees were already included in one of the five negotiations units.

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Appearances:

For the Public Employer
Citta, Citta, Millard & Zabarsky, attorneys
(J. Mark Mutter, of counsel)

For the Petitioner
Catherine O'Reilly, Representative

DECISION

On November 26, 1990, the Communication Operators Association ("COA") filed a representation petition seeking to represent four communication operators employed by the Borough of Point Pleasant ("Borough"). The petition was accompanied by an adequate showing of interest. N.J.A.C. 19:11-1.2(a)8 and 2.1.

On December 12, 1990, the COA and the Borough attended an informal conference and tentatively agreed to seek recognition of the petitioning employees in a negotiations unit different than the one originally sought. The petitioner later rejected the proposal.

The Borough objects to the petition. It claims the operators should be included in a unit of clerical employees represented by the Point Pleasant Borough Clerical Workers

Association ("PPBCWA"). It also asserts that "another separate unit would result in an unwarranted proliferation of units...." and a community of interest exists between the petitioning employees and those in the clerical unit.

It appears that there are no substantial and material factual issues which would more appropriately be resolved after a formal hearing. N.J.A.C. 19:11-2.6(b). Our investigation reveals these facts.

The Borough has about 100 full-time employees and most are included in one of five negotiations units. About 20 patrol officers are in one unit and 5 or 6 superior officers are in a separate unit. The Department of Public Works unit has 25 employees; the PPBCWA represents about 25 clerical employees and about 16 crossing guards are in a separate unit. The Borough asserts that the 10 remaining unrepresented employees are managerial executives or non-police supervisors.

The titles included in the PPBCWA unit are clerk typist, principal clerk typist, clerk/stenographer, deputy assessor, principal accounting clerk, principal bookkeeping clerk and computer operator. Work hours are 8 a.m. - 4 p.m. and salaries vary between \$11,000 and \$30,000.

The Borough asserts that a "public works dispatcher" dispatches vehicles and personnel in and for the Department of Public Works. This employee operates the radio console at the department, receives and transmits communications for "emergencies"

i.e., malfunctioning traffic signals, bridges and street lights and keeps records of the calls.

The Borough enclosed a Department of Personnel job description of a "principal clerk typist." Listed among the many clerical work examples is:

In the Department of Transportation, may be required to operate radio console base station; receive and transmit communications related to emergency call situation regarding malfunctioning traffic signals, bridges, street lights, and other related facilities; maintains accurate records of all incoming and outgoing communications and performs related duties.

The COA asserts that the communication operators work steady 8 a.m. - 4 p.m. shifts dispatching firefighters, first aid vehicles and para-medical technicians. They also use computers to validate drivers licenses during police motor vehicle checks.

Vacation, sick leave, disability and dental benefits are the same as unit employees. Annual salaries for the petitioning employees are between \$15,500 and \$18,500. The COA maintains that the operators' responsibilities are unique and specialized and a separate unit is appropriate.

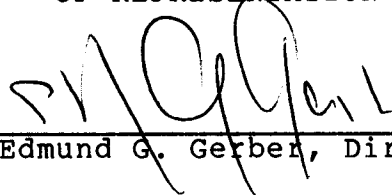
It appears that the petitioned-for unit is not appropriate and the most appropriate unit for these employees is the clerical unit represented by the PPBCWA. Commission policy favors broad-based units. State of N.J. and Prof. Assn. of N.J., 64 N.J. 237 (1974). Although some differences exist between the communication operators and clerical employees, we believe that the two groups share a strong community of interest. Both groups work

in the same building and have the same work hours and benefits. Furthermore, at least one clerk typist works as a dispatcher, sending and receiving messages through the radio console. While we appreciate the distinctions between the types of communications processed by the communication operators and the dispatching clerk typist, we do not perceive a significant enough difference to overcome the preference for broad-based units. Winslow Tp. and Teamsters Local 676, D.R. No. 87-24, 13 NJPER 208 (¶18087 1987).

The Borough already negotiates with five units and virtually all eligible employees are included in one of the units. Considering all the circumstances, an additional unit of four employees would unduly proliferate the number of units with which the Borough must negotiate.^{1/}

Accordingly, this petition, brought by the Communication Operators Association is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: March 25, 1991
Trenton, New Jersey

^{1/} The representational desires of the communication operators may be addressed through the timely filing of a representation petition by the PPBCWA.