

D.R. NO. 86-11

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

In the Matter of

NEW JERSEY SPORTS AND EXPOSITION
AUTHORITY,

Public Employer,

-and-

DOCKET NO. RO-86-75

LOCAL UNION #560, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Petitioner.

SYNOPSIS

The Director dismisses a petition (RO-86-75) filed by Local 560, International Brotherhood of Teamsters ("Local 560"), which sought certification as the exclusive representative of a unit of assistant starters employed by the New Jersey Sports and Exposition Authority ("Authority"). An administrative investigation revealed that, of nine assistant starters, only one had the continuity and regularity of employment with the Authority sufficient for inclusion in a collective negotiations unit. Units of one are inappropriate.

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Appearances

For the Public Employer
Grotta, Glassman & Hoffman
(Ilene F. Lainer of counsel)

For the Petitioner
Schneider, Cohen & Solomon
(J. Sheldon Cohen of counsel)

DECISION

On November 8, 1985, Local Union 560, International Brotherhood of Teamsters ("Local 560"), filed a petition (RO-86-75) with the Public Employment Relations Commission ("Commission") seeking certification as the exclusive majority representative of a collective negotiations unit of assistant starters employed by the New Jersey Sports and Exposition Authority ("Authority"). The Authority challenges the appropriateness of the unit.

On January 27, 1986, I wrote a letter to the parties advising them of the results of an administrative investigation. I

concluded that, based on the investigation, it appeared that all but one of the assistant starters employed by the Authority lacked the continuity and regularity of employment envisioned by the New Jersey Employer-Employee Act as necessary to support a collective negotiations relationship.^{1/} I advised the parties that I was inclined to dismiss Local 560's petition since collective negotiation units of one employee are inappropriate.^{2/} I gave the parties an opportunity to file affidavits and supporting documentation by February 6, 1986 to refute or confirm my findings and conclusions. I have not received any response.

Accordingly, I make the following:

FINDINGS OF FACT

1. The disposition of this matter is properly based upon our administrative investigation for we have not found any substantial and material factual disputes which may more appropriately be resolved at hearing. See N.J.A.C. 19:11-2.6(b).

1/ In re Rutgers University, E.D. No. 76-35, 2 NJPER 176 (19976), aff'd P.E.R.C. No. 76-49, 2 NJPER 229 (1976), D.R. No. 77-5, 3 NJPER 12 (1976) (dismissed election objections), aff'd App. Div. Docket No. A-1652-76 (1977), certif. den. 76 N.J. 243 (1978); In re Bridgewater Raritan, D.R. No. 79-12, 4 NJPER 444 (¶4201 1978); In re Somerset County College, PERC No. 82-68, 8 NJPER 106 (¶13043 1982) rev'd. and remd. App. Div. Docket No. A-3629-81T2 (5/11/83); In re Borough of Avalon, H.E. No. 79-30, 5 NJPER 71 (¶10044 1979), specifically adopted by the Commission, in In re Borough of Seaside Park, PERC No. 81-18, 6 NJPER 392 (¶11203 1980).

2/ In re Boro of Shrewsbury, P.E.R.C. No. 79-42, 5 NJPER 45 (¶10030 1979), aff'd 17 N.J. Super 25 (App. Div. 1980), pet. for certif. den. 85 N.J. 129 (1980).

2. The New Jersey Sports and Exposition Authority is a public employer within the meaning of the Act, is subject to its provisions, and employs the assistant starters.

3. Local Union Number 560, I.B.T., is an employee representative within the meaning of the Act, is subject to its provisions, and seeks certification as the exclusive representative of the assistant starters.

4. Assistant starters work a four-month season (September 1 through December 31) at the Authority's Meadowlands race track. Their duties include escorting thoroughbreds from the barn to the gate, loading them into the gate and letting them go at the start of the race. They also school the thoroughbreds. Their workday is split: they work from 8 a.m. to 10 a.m. and then from 7 p.m. to 12 a.m. They work a six-day week.

5. Assistant starters are hired each season on the recommendation of the starter, subject to the approval of the racing secretary. Their employment is terminated at the end of each racing season with no commitment from the Authority that they will be rehired the next year.

6. Assistant starters typically work a circuit of race tracks each year. A crew usually works a season at one track and then moves to another for its season.

7. The crew of nine assistant starters that worked at the Meadowlands track in 1985 came from all over the United States. Two live in Florida, three in New Jersey, one in South Carolina, one in Illinois, one in Missouri and one in Arizona.

8. Only one assistant starter from the 1984 crew (of nine) returned to work in the 1985 season at the Meadowlands. Eight of the nine assistant starters from the 1985 crew had not worked the previous two years at the Meadowlands.


CONCLUSION

The parties have not placed in dispute any substantial or material facts that could refute my preliminary finding that the unit sought by Local 560 is inappropriate. All but one of the assistant starters lack the continuity and regularity in their employment relationship with the Authority necessary for inclusion in a collective negotiations unit and units of one employee are inappropriate.

ORDER

The petition is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber

DATED: February 10, 1986
Trenton, New Jersey