

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

In the Matter of

TOWNSHIP OF MAPLE SHADE,

Public Employer,

-and-

MAPLESHADE PBA LOCAL 267,

DOCKET NO. CU-77-7

Petitioner,

-and-

AFSCME, LOCAL 1160,

Intervenor.

SYNOPSIS

The Director of Representation clarifies a collective negotiations unit represented by the Petitioner by determining that a Township dispatcher, who was appointed as a special officer pursuant to N.J.S.A. 40A:14-146, is a policeman within the meaning of the New Jersey Employer-Employee Relations Act and should be included in a unit of police employees. The Director further determines that three other Township dispatchers, who function as police matrons, are not vested with police powers and, therefore, are not police within the meaning of the Act. The Director determines that these three dispatchers/matrons should remain in the Intervenor's unit. The Director rejects the Petitioner's argument that special circumstances exist to include the dispatchers/ matrons in the police unit, finding that the potential for conflict of interest by the continued inclusion of dispatchers/matrons in a non-police unit is de minimus in nature, and that their integration with police officers in the delivery of police services does not require representation in a police unit. The Director determines that the non-police unit is available to represent the interests of the civilian dispatchers/matrons and that there is no evidence indicating that the needs of a civilian dispatcher cannot be realized in the non-police unit.

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Intervenor.

Appearances:

For the Public Employer,  
Richard Clark, Township Manager

For the Petitioner,  
Tomar, Parks, Seliger, Simonoff & Adourian, Esqs.  
(Steven K. Kudasky, of Counsel)

For the Intervenor,  
Mark Neimeiser, Associate Director, AFSCME, Council 73

DECISION

On August 23, 1976, a Petition for Clarification of Unit was filed with the Public Employment Relations Commission (the "Commission") by the Maple Shade PBA Local 267 (the "PBA"), seeking the inclusion of dispatchers employed by the Township of Maple Shade (the "Township") in the PBA unit consisting of all

regular Township police officers and sergeants. The dispatchers are presently represented for the purposes of collective negotiations by the Intervenor, AFSCME, Local 1160 ("AFSCME") in a unit of all blue and white collar Township employees.

Pursuant to a Notice of Hearing dated April 6, 1977, hearings were held before Hearing Officer J. Sheldon Cohen on April 22, July 8 and July 21, 1977, at which all parties were afforded an opportunity to present evidence, to examine and cross-examine witnesses, and to argue orally. The Township and the PBA submitted post-hearing briefs.

On November 14, 1977, the Director of Representation substituted Bruce D. Leder as Hearing Officer in this matter pursuant to N.J.A.C. 19:11-6.4. On June 2, 1978, the Hearing Officer issued his Report and Recommendations, a copy of which is attached hereto and made a part hereof. Both the Township and the PBA filed exceptions to the Hearing Officer's Report. AFSCME did not file exceptions.

Upon the entire record in this proceeding the undersigned finds and determines as follows:

1. The Township of Maple Shade is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., as amended (the "Act"), is the employer of the employees involved herein, and is subject to the Act's provisions.

2. Maple Shade PBA Local 267 and AFSCME, Local 1160 are employee representatives within the meaning of the Act and are

subject to its provisions.

3. The PBA, having filed a Clarification of Unit Petition with respect to dispatchers and, thus, having raised a question as to the composition of its collective negotiations unit, the matter is appropriately before the undersigned for determination.

4. There are four non-supervisory dispatchers who are the subject of this Petition. One employee who functions as a full-time dispatcher also performs the part-time function of special officer pursuant to N.J.S.A. 40A:14-146. The three other dispatchers perform matron functions in connection with their dispatcher duties. The parties have stipulated that the sole issue in this matter is whether the above police dispatchers are police officers within the meaning of the Act and/or whether the dispatchers, under the statutory exception of "special circumstances", should be included in the negotiations unit represented by the PBA. <sup>1/</sup>

5. The PBA argued at hearing that because one dispatcher performed special police officer functions and the other dispatchers performed matron functions, all dispatchers either were performing police functions and thereby in the PBA unit, or should be placed in the police unit due to special circumstances. The Township and AFSCME argued that the dispatchers as a group were not police and that insufficient special circumstances existed to warrant their inclusion in the PBA unit.

<sup>1/</sup> N.J.S.A. 34:13A-5.3 provides, in relevant part, "...except where established practice, prior agreement, or special circumstances dictate the contrary, no policeman shall have the right to join an employee organization that admits employees other than policemen to membership..."

6. The Hearing Officer found and recommended that the one dispatcher performing part-time special officer functions was a police officer within the meaning of the Act and should, therefore, be in the PBA unit. However, the Hearing Officer found that the other dispatchers are not police and belong in the AFSCME unit, and that special circumstances did not exist to warrant placement of these dispatchers in a police unit.

The PBA and the Township filed timely exceptions to the Hearing Officer's Report. The PBA argued that the three remaining dispatchers should be placed in the police unit due to special circumstances. The Township excepted to the Hearing Officer's finding that one dispatcher, performing part-time special officer functions, was a police officer within the meaning of the Act.

7. The undersigned has carefully reviewed the entire record in this matter and adopts the Hearing Officer's recommendations with certain modification and clarification. The record reveals that the one dispatcher who has been appointed a special officer is often called upon to perform special officer functions, which include police officer duties, while he is engaged in the normal role of dispatcher. The record also reveals that those dispatchers who are required to perform matron duties frequently are called upon to function as matrons while performing their normal dispatcher duties. Thus on the basis of the evidentiary record herein, the undersigned concludes that the performance by these personnel of special officer functions and matron functions, respectively, is regularly comingled with the performance of dispatcher duties. Accordingly, for the purpose of considering the appropriate unit

placement of these personnel, the undersigned shall determine the community of interest question and the claimed "police" status of these personnel based upon the entirety of their responsibilities. <sup>2/</sup>

8. Regarding the dispatcher/special officer position, the undersigned adopts the Hearing Officer's recommendations that the individual functioning as a dispatcher/special officer is a policeman within the meaning of the Act and should be included in the unit represented by the PBA. The record reveals that the dispatcher/special officer has been appointed as a special officer annually for a consecutive number of years. The record further reveals that the dispatcher/special officer is trained in the use of a firearm, wears his firearm while performing dispatcher duties, may be involved in the apprehension and arrest of suspected criminals, and generally assists police officers when needed. The status of such a dispatcher/special officer has previously been considered by the Commission in In re Township of Ewing, D.R. No. 78-21, 3 NJPER 353 (1977) and In re Borough of Avalon, E.D. No. 76-23, 2 NJPER 59 (1976).

In Avalon, supra, the Commission considered the placement of three titles: special police officer; civilian police dispatcher; and special police officer/dispatcher. The evidence in that case showed that the special police officer and the special police officer/dispatcher could carry weapons, make arrests and generally exercise

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<sup>2/</sup> Accordingly, for purposes of simplification and clarity, the dispatchers involved herein shall hereafter be termed "dispatcher/special officer" or "dispatcher/matron," respectively.

police power as defined in County of Gloucester v. PERC, 107 N.J. Super. 150 (App. Div. 1969) aff'd per curiam 55 N.J. 333 (1970). The Executive Director therefore found those titles to be police titles within the meaning of the Act, whereas the civilian police dispatcher, who had not been appointed as a special officer and, therefore, not vested with police powers, was found not to be a policeman within the meaning of the Act.

In Ewing, supra, the undersigned found that a civilian police dispatcher, who had special officer powers pursuant to N.J.S.A. 40A:14-146, did have reserve authority to detect, apprehend, and arrest as set forth in Gloucester, supra, and was therefore a police officer within the meaning of the Act.

In the instant matter the dispatcher/special officer also has police powers as discussed in Avalon and Ewing and is therefore a police officer and appropriately belongs in the PBA unit.

Since the dispatcher/special officer employed by the Township has reserve authority and the power to detect, apprehend and arrest, his duties come within the New Jersey Supreme Court's definition of police powers as set forth in Gloucester, supra, and he, therefore, should be included in the PBA unit. In the event of non-reappointment as a special officer the police powers would be removed and the dispatcher would thereafter belong in the unit represented by AFSCME.

9. Regarding the dispatcher/matron position, the undersigned adopts the Hearing Officer's recommendation that these personnel are not police, therefore not includable in the police unit, and should remain in the AFSCME unit. Although matrons exercise

some responsibilities that resemble police functions, they do not have the authority reserved to special officers and are not authorized to exercise police powers as defined in Gloucester, supra. Since the matrons lack reserve police authority, and are not authorized to exercise police powers, the undersigned determines that they are not police within the meaning of the Act and cannot be included, as police, in a police unit. Although dispatcher/matrons perform duties which are of a police nature and this may conceivably result in a conflict with non-police employees of the Township, such a potential conflict is de minimus in nature and would not justify the removal of the matrons from the AFSCME unit.

If the Township were to appoint the dispatcher/matrons as special officers, the concomitant police powers would compel their removal from the AFSCME unit and placement in the PBA unit.

10. The PBA argues that special circumstances exist which would permit the inclusion of all dispatchers in the police unit. The PBA claims that integration of the dispatchers with the regular police officers in the law enforcement activities of the police department inextricably intertwines the dispatchers with regular police officers in the effective delivery of public safety services. In addition, the PBA states that the communications role played by the dispatchers in the delivery of police services creates a potential for "split allegiance" on the part of dispatchers to the employer and their fellow unit members. The PBA argues that these conditions create the statutory special circumstances which would allow for the inclusion of all dispatchers in the police unit.



In In re N.J. Turnpike Authority, P.E.R.C. No. 24 (1969), the Commission found that special circumstances existed to warrant the inclusion of craft employees in a non-craft unit. The employer therein had negotiated with one unit of craft and non-craft employees prior to the passage of the Act in 1968 except for a period from 1964 to 1968 when negotiations were prohibited by court injunction. The Commission considered the pre-1964 past practice of negotiations and determined that, but for the court injunction, negotiations would have continued in the one unit of craft and non-craft employees. The Commission concluded that this constituted special circumstances justifying the continuation of a mixed craft, non-craft unit.

In the instant matter the evidence does not establish that the Township negotiated with police and non-police dispatchers in one unit prior to 1968. Therefore, the special circumstances referred to in the Turnpike Authority matter, supra, do not exist herein.

In In re Clearview Regional H. S. Board of Education, D.R. No. 78-2, 3 NJPER 248 (1977), the undersigned determined that in certain limited factual settings "special circumstances" would warrant the continued inclusion -- until the expiration of a collective negotiations agreement -- of personnel otherwise inappropriate for inclusion in a unit. This was done in order to preserve the stability of the collective negotiations relationship during the terms of a negotiated agreement.

Since the instant matter does not involve personnel who were previously included in the PBA unit, the special circumstances

referred to in Clearview, supra, do not exist herein to warrant the continued inclusion in the Petitioner's unit.

There is no doubt that functions of the dispatchers are closely related to the law enforcement activities of police. However, the undersigned is not convinced that the integrated participation of police and non-police dispatchers in the delivery of services requires the representation of non-police in a police unit. There is a non-police unit available to represent the interests of civilian personnel and there is no evidence that the needs of the civilian dispatchers cannot be realized in the AFSCME unit.

As noted above the undersigned has determined that the police-like functions of the matrons pose a de minimus potential for conflict. Likewise, the undersigned determines that the communications responsibilities of the civilian dispatchers do not create a substantial potential for conflict. Where the continuation of the civilian dispatchers in the civilian AFSCME unit creates a minimal potential for conflict, "special circumstances" do not exist which dictate the inclusion of non-police in a police unit.

Based upon the above discussion, it is therefore determined that the person functioning as a dispatcher/special officer be removed from the AFSCME unit at the conclusion of the agreement between AFSCME and the Township which was in effect at the time of the filing of the instant Petition, and that the

dispatcher/special officer be placed in the PBA unit as of that date. The dispatcher/matrons shall remain in the AFSCME unit.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: October 13, 1978  
Trenton, New Jersey

STATE OF NEW JERSEY  
BEFORE A HEARING OFFICER OF THE PUBLIC  
EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MAPLE SHADE TOWNSHIP,

Public Employer,

-and-

MAPLE SHADE PBA LOCAL 267,

Docket No. CU-77-7

Petitioner,

-and-

AFSCME, LOCAL 1160,

Intervenor.

SYNOPSIS

A Commission Hearing Officer, in a Clarification of Unit proceeding, finds that a police dispatcher who has been appointed as a special police officer pursuant to N.J.S.A. 40A:14-146 is a policeman within the intendment of the Act and recommends that he be included in a collective negotiations unit represented by the PBA. The Hearing Officer also finds that the other dispatchers, who are not special officers, are not police. In addition, the petitioner has not alleged sufficient facts to support a finding of statutory exception of special circumstances to include these dispatchers who perform matron duty in the unit represented by the PBA.

A Hearing Officer's Report and Recommendations is not a final administrative determination of the Public Employment Relations Commission. The Report is submitted to the Director of Representation Proceedings who reviews the Report, any exceptions thereto filed by the parties and the record, and issues a decision which may adopt, reject or modify the Hearing Officer's findings of fact and/or conclusions of law. The Director's decision is binding upon the parties unless a request for review is filed before the Commission.

STATE OF NEW JERSEY  
BEFORE A HEARING OFFICER OF THE  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MAPLE SHADE TOWNSHIP,

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Appearances:

For the Public Employer, Richard Clark, Township Manager

For the Petitioner, Tomar, Parks, Seliger, Simonoff & Adourian, Esqs.  
(Steven K. Kudatzky, of Counsel)

For the Intervenor, Mark Neimeiser, Associate Director, AFSCME

HEARING OFFICER'S REPORT AND RECOMMENDATIONS

A Petition for Clarification of Unit was filed with the Public Employment Relations Commission (the "Commission") on August 23, 1976, by the Maple Shade PBA Local 267 (the "PBA") seeking the inclusion of dispatchers in the already existing unit consisting of all regular police officers employed by the Township of Maple Shade (the "Township"). The PBA is currently the recognized exclusive majority representative of all police officers and sergeants employed by the Township of Maple Shade. The currently certified exclusive majority representative of all blue and white collar workers employed by the

Township is the AFSCME, Local 1160 ("AFSCME").

The parties have stipulated that the sole issue is whether police dispatchers are police within the meaning of the New Jersey Employer-Employee Relations Act (the "Act") <sup>1/</sup> and/or are governed by the statutory exception of special circumstances and thus should be included in the negotiating unit represented by the PBA.

Pursuant to a Notice of Hearing dated April 6, 1977, hearings were held before Hearing Officer J. Sheldon Cohen on April 22, July 8, and July 21, 1977, <sup>2/</sup> at which all parties were given an opportunity to examine and cross-examine witnesses, to present evidence, to argue orally and to submit post-hearing briefs.

Upon the entire record in this proceeding, the Hearing Officer finds:

(1) The Township of Maple Shade is a Public Employer within the meaning of the Act, is subject to its provisions, and is the employer involved in this proceeding.

(2) The Maple Shade PBA Local 267 and AFSCME Local 1160 are Employee Representatives within the meaning of the Act and are subject to its provisions.

(3) None of the employees who are the subject of this petition are supervisory, managerial or confidential employees within the meaning of the Act.

(4) There are presently four dispatchers who are the subjects of this petition employed by the Maple Shade Police Department and are currently included in the collective negotiations unit represented by AFSCME Local 1160. <sup>3/</sup>

<sup>1/</sup> N.J.S.A. 34:13A-1 et seq.

<sup>2/</sup> On November 14, 1977, the Director of Representation substituted the undersigned as Hearing Officer pursuant to N.J.A.C. 19:11-6.4.

<sup>3/</sup> T.I, p. 52.

(5) There are presently five employees of Maple Shade who perform matron functions. These employees are the three female dispatchers and two female police clericals. <sup>4/</sup>

#### Background

The Maple Shade Police Department utilizes the platoon system. A platoon is a sergeant, four patrolmen and a dispatcher. These six individuals always work together on the same shift. <sup>5/</sup> A Report of Reclassification Survey by the Department of Civil Service of the State of New Jersey was marked into evidence. <sup>6/</sup> This document contained a job description for Police Radio Dispatcher. <sup>7/</sup> The parties stipulated that the job description does not confer police powers on dispatchers. <sup>8/</sup>

A second job description was also marked into evidence. <sup>9/</sup> This document was addressed to the Chief and Captain of the Maple Shade Police Department for the purpose of justifying the dispatchers' salary negotiations. <sup>10/</sup> This document was prepared because the official job description did not encompass all the duties performed by the dispatchers. <sup>11/</sup> At the time this job description was written in 1974, the Maple Shade Police Department did not employ any female dispatchers. Since 1974, the Police Department has hired female dispatchers, but still has not employed female police officers. By the testimony of Guy D.

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<sup>4/</sup> T.III, p. 105.

<sup>5/</sup> T.I, pp. 14-15.

<sup>6/</sup> T.I, p. 60.

<sup>7/</sup> See Appendix 1.

<sup>8/</sup> T.I, p. 60.

<sup>9/</sup> T.II, p. 62.

<sup>10/</sup> T.II, p. 56.

<sup>11/</sup> T.II, p. 56.

<sup>12/</sup> T.II, p. 58.

Pascale, a sergeant in the M.S.P.D., one of the additional duties performed by these female dispatchers is matron duty.<sup>13/</sup> Neither of the job descriptions includes matron duty. The duties to be performed by a matron include searches, aid in the apprehension of female prisoners, appear with female prisoners in court, be present in the transportation of female prisoners, and generally, be present at all times when female prisoners are in custody.<sup>14/</sup> Matrons receive no formalized training.<sup>15/</sup>

Sgt. Pascale also testified that all dispatchers wear blue uniforms which have two badges. One badge says "Communications" and the other says "Maple Shade Police."<sup>16/</sup> The immediate supervisor of the dispatchers is the sergeant of the shift and in his absence, the senior patrolman is in charge.<sup>17/</sup> The person in charge can assign a dispatcher to perform matron duties. In the event that the dispatcher is called away from the desk to perform as a matron, the dispatcher would be replaced by a police officer or the sergeant of the platoon.<sup>18/</sup>

Generally, the initial contact an individual has with the police department is with the dispatcher. The dispatcher must determine which agency should be involved (e.g., fire department, first aid, police department, etc.) when responding to a telephone call or when responding to a personal appearance at the police station. All dispatchers are instructed concerning safety and proper handling of weapons.<sup>19/</sup>

Of the four dispatchers currently employed by the Township, only one is a male. He has undertaken the necessary training and has been appointed as

<sup>13/</sup> T.II, pp. 58-59.

<sup>14/</sup> T.I, pp. 86-87.

<sup>15/</sup> T.I, p. 88; T.III, p. 98.

<sup>16/</sup> T.II, p. 119.

<sup>17/</sup> T.II, p. 14.

<sup>18/</sup> T.I; p. 26.

<sup>19/</sup> T.III, p. 37



a special police officer pursuant to N.J.S.A. 40A:14-146.<sup>20/</sup> Although the Civil Service classification for the title of dispatcher does not require that a dispatcher be appointed as a special police officer, it is the "request" of James T. Ryan, Captain of Police for the Maple Shade Police Department, that dispatchers become special police officers.<sup>21/</sup> Having been qualified to carry a weapon, this male dispatcher with the permission of the Chief of Police carries a weapon while on duty.<sup>22/</sup>

The first issue is whether or not dispatchers are police within the meaning of the Act.

N.J.S.A. 34:13A-5.3 reads in pertinent part:

"except where established practice, prior agreement or special circumstances dictate the contrary, no policeman shall have the right to join an employee organization that admits employees other than policemen to membership."

In County of Gloucester v. P.E.R.C. and Teamsters Local Union No. 676 IBT, 107 N.J. Super. 150 (App. Div. 1969), aff'd per curiam 55 N.J. 333 (1970), the court considered the "reason and spirit" of the legislative history of this statute. The court stated that

"...the Legislature was seriously concerned with preventing law enforcement officers authorized to make detections, apprehensions and arrests, from joining an employees' union which might place them in a conflicting position and create circumstances for possible divided loyalty or split allegiance." at p. 157.

In In re Borough of Avalon and PBA, Local No. 59, E.D. No. 76-23, 2 NJPER 59 (1976), the Executive Director found that a dispatcher who was also a special officer engaged in police work and should be considered as a police

<sup>20/</sup> T.I, p. 31. The record refers to the title of reserve police officer, but at T.I, p. 52 the parties stipulate that references to reserve police officers simultaneously refer to special police officers pursuant to N.J.S.A. 48:14-146.

<sup>21/</sup> T.I, pp. 31-32.

<sup>22/</sup> T.I, p. 34.

officer under the Act. The Executive Director <sup>23/</sup> found the requisite police power citing Gloucester, supra. Once again, in In Township of Ewing & PBA, Local 111, D.R. No. 78-21, 3 NJPER 353 (1977), the Director of Representation found that a dispatcher who was also a special police officer was a police officer under the Act. This decision cited Avalon, supra, and Gloucester, supra, in support of this determination.

In both Ewing, supra, and Avalon, supra, the decision was based on a finding of police power as defined in Gloucester, supra, specifically, a police officer is one authorized to make detections, apprehensions and arrests. This police power in Avalon, supra, was found to be sufficient even though the authority to detect, apprehend and arrest was reserved and unexercised. In the instant matter, the male dispatcher is also a special police officer. He carries a gun on duty. Captain Ryan testified that in most cases, the male dispatcher assists other police personnel, but there have been times when the male dispatcher has been pressed into service as a regular police force. Additionally, Captain Ryan stated that when a regular police officer was unable to complete his tour of duty, he has assigned a dispatcher-special officer to complete the regular police officer's shift. <sup>24/</sup> Therefore, the undersigned finds that the one male dispatcher currently employed by the Township who is also a special police officer is a police officer within the intendment of the Act.

As to the three female dispatchers, the undersigned is not convinced by the record that they possess the requisite police power. There is no doubt that dispatchers are an important part of the platoon system; but, there is no evidence that dispatchers who are not special officers are authorized

<sup>23/</sup> The duty of the Executive Director to issue decisions in representation matters has been transferred to the Director of Representation. See N.J.A.C. 19:17-7.4.

<sup>24/</sup> T.I, p. 38.

to make detections, apprehensions or arrests. Arguably, the only time that this type of authorization might exist is when dispatchers function as matrons. As a matron, a female dispatcher is involved with the apprehension, search, transportation and custody of female prisoners.<sup>25/</sup> But, this work is always done in conjunction with regular police officers with the one exception being the custody function which is done in police headquarters where regular police officers are present.

According to the testimony of Richard A. Clark, Township Manager, the reason a female is present when a female suspect or prisoner is involved is to protect the male police officer from "untrue allegations" by female prisoners of sexual abuse.<sup>26/</sup> Yet, by the testimony of Sergeant Pascale, it is not automatic that a female dispatcher is sent when a woman is involved in a complaint, accident, or crime.<sup>27/</sup> Female dispatchers are not the only ones utilized as matrons. While wives of police officers who were used as matrons no longer do so, female police clericals do function regularly as matrons. It is even possible that a citizen not employed by the police department could be thrust into performing as matron at the direction of a police officer.<sup>28/</sup>

The fact remains that these female dispatchers do not possess the requisite police power. They receive no formal training and they merely assist in arrest situations.<sup>29/</sup> During the course of the testimony of Mary Beth Webb, a dispatcher of the M.S.P.D., Ms. Webb recounted several incidents when she functioned as a matron. In each incident, police officers were always present. Ms. Webb acknowledged that she, personally, did not arrest anyone.<sup>30/</sup> It appears

<sup>25/</sup> T.I, p. 86 and T.II, p. 106.

<sup>26/</sup> T.III, p. 101.

<sup>27/</sup> T.II, p. 106.

<sup>28/</sup> T.II, p. 102.

<sup>29/</sup> T.I, p. 87.

<sup>30/</sup> T.II, III, p. 40.

from the record as a whole that female dispatchers/matrons are not vested with police authority, but rather accompany police officers when women are the subjects of investigations or arrests. The female dispatchers/matrons perform the searches of women prisoners to protect against possible allegations by women prisoners of abuse by male police officers. It appears from the record that the one requirement for functioning as a matron is that the individual is a female.

The next issue is whether or not dispatchers should be included in a unit with police due to the existence of the statutory exception of special circumstances. "The Commission has found the existence of a 'special circumstance' only in a situation of unusual nature."<sup>31/</sup> In In re N.J. Turnpike Authority, P.E.R.C. No. 24 (1969), the Commission, found that special circumstances were present to warrant the inclusion of craft personnel in a unit including non-craft personnel.

The Director of Representation has expanded the use of special circumstances in limited situations. Those limited situations arise when a clarification of unit dispute is raised after the execution of a collective negotiations agreement. In order to preserve the stability of the collective negotiations relationship during the existence of the agreement, the Director of Representation has found that the situation may present a "special circumstance" which would warrant, at least until the expiration of the agreement, the temporary continued inclusion of personnel who should rightfully be removed from the unit.<sup>32/</sup>

~~The petitioner does not contend that there existed a prior collective negotiations relationship which included police and dispatchers. Nor, is this a situation which the existing relationship need be maintained during the existence of an agreement. Here, the petitioner maintains that special~~

<sup>31/</sup> Freehold Reg. H.S. Bd/Ed and Ed. Assn., D.R. No. 78-41 at p. 8, 4 NJPER (1978)

<sup>32/</sup> See generally, In re Clearview Reg. H.S. Bd/Ed., D.R. No. 78-2, 3 NJPER 248 (1977).

circumstances arising from the employment conditions in the Maple Shade Police Department warrants the inclusion of the dispatchers in a unit of police. These special circumstances are the utilization of the dispatchers in the platoon system and their role in law enforcement activities as matrons.

Once again, it is important to note that the dispatchers certainly perform an integral role in the platoon system in Maple Shade. The dispatchers occupy a central role in the police department. They are responsible for the prompt and efficient processing of the needs of the Township's citizenry. They must act quickly and intelligently in the event of emergencies. But, neither of the job descriptions nor any of the testimony confers any police power or any police-type function. These dispatchers are involved solely with communication.

As far as a conflict of interest between the dispatchers and other members of AFSCME, the undersigned is unconvinced that the employer's ability to discharge its functions and obligations is hampered by the inclusion of the dispatchers in a unit of all blue and white collar workers employed by the Township.<sup>33/</sup>

Hypothetically, the one situation which would place a dispatcher in a divided loyalty situation would be if police action was necessary in the event of job action by members of the dispatchers' association, AFSCME. This hypothetical situation was posed to Captain Ryan. His response was that he would have no "qualms" about placing a dispatcher in this position of divided loyalties, but he added, that a dispatcher would have the "right to refuse" such an assignment.<sup>34/</sup>

With respect to matron duty, this appears to be a matter of convenience for the operation of the police department. It is an assignment shared by


<sup>33/</sup> See generally, Board of Education of W. Orange v. Wilton 57 NJ 404 (1971).  
<sup>34/</sup> T.I, p. 40-41.

female dispatchers and female police clericals. There is no formalized training for matrons, nor is there an official job description for matrons. The petitioner has failed to allege sufficient facts which would lead to a conclusion that female dispatchers acting as matrons is extraordinary enough to support a finding of special circumstances.

RECOMMENDATION

Upon the entire record herein, and for the above-stated reasons, it is the undersigned's recommendation that the male dispatcher who is a special officer pursuant to N.J.S.A. 40A-14-146 be found a policeman within the meaning of the Act and should be included in the PBA's collective negotiations unit. It is further recommended that the three female dispatchers be found not to be police within the meaning of the Act, nor has the petitioner alleged sufficient facts to establish the statutory exception of special circumstances. Therefore, these female dispatchers should remain in the collective negotiations unit represented by AFSCME.

Submitted By

  
\_\_\_\_\_  
Bruce D. Leder  
Hearing Officer

DATED: June 2, 1978  
Trenton, New Jersey

APPENDIX

**REPORT OF**  
**RECLASSIFICATION**  
**SURVEY**

STATE OF NEW JERSEY  
DEPARTMENT OF CIVIL SERVICE



FOR THE  
TOWNSHIP OF MAPLE SHADE  
Schedules 1, 2 and 3

1975

POLICE RADIO DISPATCHER

DEFINITION: Under direction, receives and relays messages to police patrol vehicles or to other concerned personnel; does related work as required.

EXAMPLES OF WORK: Receives complaints from the public concerning crimes and police emergencies; broadcasts orders to police radio patrol vehicles or patrolmen to investigate complaints; relays instructions or questions from remote units; records calls broadcasted and complaints received; may relay emergency calls and messages to fire, ambulance or other emergency units; receives and files messages received on the police teletype; operates a telephone switchboard; prepares and maintains a variety of records such as police logs, blotters and files concerning roll call, assignments, complaints, radio and teletype alarms and messages; may receive visitors, ascertain their wants, provide them with information and/or directs them to proper persons; may check and make minor repairs and adjustment to radio equipment.

REQUIREMENTS:

1. Graduation from High School, or Vocational High School, or possession of an approved High School Equivalent Certificate, or any equivalency in education and experience.
2. Some knowledge of the laws, rules, regulations, standards, policies, and procedures of the Federal Communication Commission.
3. Ability to work harmoniously with others and organizes assigned work and develop effective work methods; to understand, remember and carry out oral and written directions; to learn quickly from written and oral explanations and demonstrations.
4. Good health and freedom from disabling physical and mental defects which would impair the proper performance of the required duties or which might endanger the health and safety of oneself or others.

ARM  
1-13-70

MT/ST  
P-3-7