

D.R. NO. 87-5

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

In the Matter of

CITY OF ELIZABETH,

Public Employer,

-and-

DOCKET NO. RO-86-92

AMBULANCE SERVICE BUREAU
SUPERVISORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a petition filed by the Ambulance Service Bureau Supervisors Association which seeks to sever a unit of Ambulance Supervisors from a broad-based unit of City Hall Supervisors. The Director finds the Ambulance Supervisors unit inappropriate and the Association failed to demonstrate a lack of community of interest sufficient to sever the four (4) man unit from the parent unit.

Further, the Director finds that there are no facts presented herein which would warrant the severance of these employees from the existing unit, consistent with Commission policy.

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Appearances:

For the Public Employer
Murray and Granello, Esqs.
(Karen A. Bulsiewicz, of counsel)

For the Petitioner
Thomas E. Dimino, Supervisor

DECISION

On December 20, 1985, the Ambulance Service Bureau Supervisors Association ("Association") filed a timely Petition for Certification of Public Employee Representative with the Public Employment Relations Commission ("Commission") seeking to represent a unit of Ambulance Supervisors employed by the City of Elizabeth ("City").

The Petition was supported by an adequate showing of interest. The petitioned-for employees are presently included in a broad-based city-wide unit of supervisory employees represented by the City Hall Supervisors Association ("CHSA").

The CHSA indicated that there is "no problem in relinquishing the Ambulance Service Bureau Supervisors Association from the Union." There are four ambulance service supervisors. The City opposes the severance of the ambulance service supervisors from the existing unit.

In a letter accompanying the petition, and during several investigatory conferences, the Association stated that it wished to sever ambulance service supervisors from the CHSA unit because "the Union we are now in no longer serves our needs. We wish to represent ourselves and negotiate our needs at contract negotiations."

We conducted an administrative investigation in this matter to determine the relevant facts. The disposition of this matter is properly based on our administrative investigation. We have found no substantial and material factual issues which may more appropriately be resolved at hearing. N.J.A.C. 19:11-2.6(b). The investigation revealed that the ambulance service supervisors have job duties which may be distinguished from other employees in the city-wide supervisors unit. The ambulance service supervisors work out of the police station, their ambulances are kept at the police garage, and they are dispatched by the police. The other supervisors' unit members work at City Hall. Further, ambulance service supervisors work irregular 40 hour work weeks while other supervisors work regular, 30 hour work weeks.

However, ambulance service supervisors have been included in the city-wide, supervisors unit since 1976. The City has a history of dealing with functionally broad-based city-wide units.

In Jefferson Tp. Bd. of Ed., P.E.R.C. No. 61 (1971), the Commission considered a petition which sought to sever a narrow group of employees from a broad-based unit with a history of stable labor relations. The Commission balanced the interests of the petitioning employees against the statutorily mandated goal of labor stability. The Commission held:

The underlying question 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 relationship is unstable or that the incumbent organization has not provided responsible representation. We think not. To hold otherwise would leave every unit open to redefinition simply on a showing that one subcategory 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.

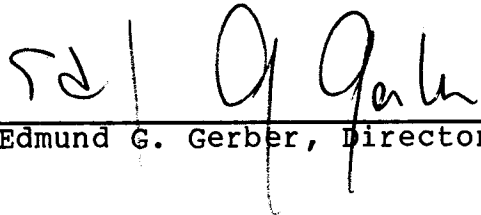
Accordingly, the severance of narrow groupings of employees from broad-based existing units will not be permitted unless the petitioner demonstrates that the existing relationship is unstable or that the incumbent organization has not provided responsible representation to the group of employees being sought. See County

of Warren, D.R. No. 84-13, 9 NJPER 703 (¶14306 1983) and City of Hackensack, D.R. No. 86-2, 11 NJPER 570 (¶16199 1985). ^{1/}

In this matter, the existing unit consists of several occupational/professional lines of supervisory employees in a broad-based, city-wide negotiations unit. Permitting the petitioner to carve out a unit limited to four (4) employees in a single title would not be consistent with Commission's policy and would promote undue unit fragmentation. Moreover, the stability of this unit indicates that the existing unit should not be disturbed. Finally, the Petitioner has proffered no facts which would indicate that the CHSA has failed to provide responsible representation to the petitioned-for employees.

Based upon the foregoing, the petitioned-for unit is inappropriate. Accordingly, the petition is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: September 9, 1986
Trenton, New Jersey

^{1/} In Hackensack, we determined that a unit of sanitation workers seeking severance was inappropriate. The Commission favors broad-based, employer-wide units rather narrowly defined units organized along occupational lines or limited to a single department. Accord, New Jersey State College of Medicine and Dentistry, D.R. No. 77-17, 3 NJPER 178 (1977).