

D.R. NO. 97-2

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

In the Matter of

TOWNSHIP OF EAST WINDSOR,

Public Employer,

-and-

Docket No. RO-96-98

NUHHCE, DISTRICT 1199J, AFSCME,

Petitioner.

SYNOPSIS

The Director of Representation dismisses the union's petition to represent four emergency medical technicians where it would be most appropriate for them to be represented by the existing civilian employee unit.

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Appearances:

For the Public Employer
Kenneth Daly, Township Administrator

For the Petitioner
Balk, Oxfeld, Mandell & Cohen, attorneys
(Randi Doner April, of counsel)

DECISION

On March 6, 1996, NUHHCE, District 1199J, AFSCME filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission seeking to represent four emergency medical technicians employed by East Windsor Township. The Township opposes the petition, asserting that a separate unit of EMTs would create an administrative burden upon the Township. The Township asserts that these employees should be included in one of the existing units.

We have conducted an administrative investigation into the petition and make the following findings.

East Windsor Township has five established negotiations units: a unit of rank-and-file police officers, a unit of police

superior officers, a unit of blue-collar employees employed in the Department of Public Works, a unit of professional and non-professional white-collar employees, and a unit of civilian employees of the police department. The Township also employs unrepresented crossing guards and matrons.

District 1199J concedes that out of all of the titles represented in negotiations units, EMTs most closely resemble the police dispatchers in the civilian employee unit represented by Teamsters Union Local No. 676. However, 1199J argues that the EMTs do not share a community of interest with the dispatchers and have no overlap of job functions. It further asserts that they do not share common work facilities, have different work shifts, uniform requirements and training. 1199J argues that they do not share a common supervisor and that the only interchange or interaction among the employees occurs when the dispatchers send the EMTs to a destination. 1199J notes that the EMTs do not wish to be represented by Local 676 and further asserts that Local 676 has waived its right to represent the EMTs.^{1/}

I find that the petitioned-for unit is inappropriate. Commission policy favors broad-based, functional negotiations

^{1/} By letter dated August 16, 1996, I indicated to the parties that I was inclined to find that the petitioned-for unit was inappropriate. Further, I advised the parties that any additional information they wished to bring to my attention would have to be submitted by the close of business on August 26, 1996. I received a letter from District 1199J on August 22, 1996, in which it reiterates its position.

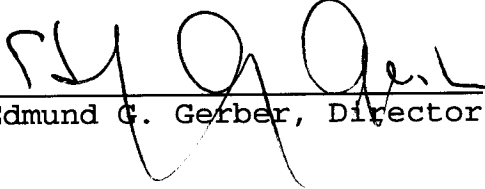
units. State of New Jersey and Professional Association of New Jersey, 64 N.J. 231 (1974). Although the EMTs have different job duties than the dispatchers, I believe both titles share a strong community of interest. Both titles work for the same employer under shared management authority. Both contribute toward the central mission of the employer of providing for public safety. The EMTs' immediate supervisor is Lieutenant Spain, the Uniform Division Commander. The dispatchers' immediate supervisor is Lieutenant Vardakis, the Special Services Division Commander. Although they may be supervised by different police lieutenants, both lieutenants report to Police Chief Barry Barlow, who reports directly to the Township Manager. Further, such differences as exist in hours, schedules, the lack of interchange of duties and infrequent interaction are insufficient to overcome the Commission's policy favoring broad-based units. Tp. of Wall, D.R. No. 94-24, 20 NJPER 209 (¶25101 1994).

The Township has not waived its right to object to a separate unit of EMTs since the emergency medical technician title, created in November 1988, did not exist at the time the Local 676 unit was formed in June 1987. See N.J.I.T., D.R. No. 88-29, 14 NJPER 148 (¶19060 1988).

Local 676 has represented that it would be willing to represent the EMTs if 1199J disavowed its interest. The Township does not object to the EMTs being included in the unit represented by Local 676 and appears to be willing to waive any procedural objections it could raise to such an accretion.

Accordingly, the most appropriate unit for the petitioned-for employees is the unit of civilian employees in the police department represented by Teamsters Local 676. Therefore, I dismiss this petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: September 10, 1996
Trenton, New Jersey