

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOUSING AUTHORITY OF THE  
CITY OF CAMDEN

Public Employer

and

Docket No. RO-198

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-CIO

Petitioner

DECISION AND DIRECTION OF ELECTION

Pursuant to a Notice of Hearing dated December 18, 1970, a hearing was held on January 8, 1971 before Hearing Officer Howard M. Golob at which all parties were given an opportunity to examine and cross-examine witnesses, present evidence and to argue orally. The employer, however, chose not to be represented and sent only an observer who was not a participant in the hearing. Petitioner was represented, as was Local 473, International Brotherhood of Firemen and Oilers, AFL-CIO, a separate organization which attempted to intervene.

On February 3, 1971, the Hearing Officer issued his Report and Recommendations. Therein he recommended, inter alia, that the motion for intervention be denied. Exceptions to that recommendation were timely filed by Local 473. 1/

The Executive Director has considered the record, the Hearing Officer's Report and Recommendations and on the basis of the facts in this case finds:

1. The Housing Authority of the City of Camden is a public employer within the meaning of the Act.
2. American Federation of State, County and Municipal Employees, AFL-CIO is an employee representative within the meaning of the Act.
3. The Public Employer refuses to recognize the employee representative as the exclusive representative of certain employees; a question

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1/ The Hearing Officer found that Local 473's motion to intervene was not timely i.e., it was not made during the 10 day period following the posting of the notice of petition, as required in Section 19:11-12 of the Commission's Rules and Regulations. Local 473 does not contest the lateness of its attempt to intervene but it urges a relaxation of the time requirements essentially because the Rules, having been in effect for only a little more than a year when the proceeding began, are relatively new; because Local 473 was not aware of the Rules since it operates principally in Pennsylvania and prior to this case had not engaged in organizing public employees in New Jersey; and because a substantial number of employees involved herein have, since the posting period, designated Local 473 as their negotiating agent and (continued on page 2.)

concerning the representation of public employees therefore exists and the matter is appropriately before the undersigned for determination.

4. In the absence of Exceptions to the Hearing Officer's Report and Recommendations by either recognized party, the undersigned adopts the Hearing Officer's Report and Recommendations pro forma.
5. Accordingly, the following units found appropriate for collective negotiations are:

Voting Group I

All blue collar employees employed by the Housing Authority of the City of Camden, but excluding office clerical, craft and professional employees, managerial executives, policemen and supervisors within the meaning of the Act.

Voting Group II

All craft employees employed by the Housing Authority of the City of Camden, but excluding all office clerical and professional employees, policemen, managerial executives and supervisors within the meaning of the Act and all other employees.

6. A secret ballot election shall be conducted among the employees in the units found appropriate no later than thirty (30) days from the date set forth below.

Those eligible to vote are employees in the units set forth in Section 5 who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, or on vacation, or temporarily laid off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by the American Federation of State, County and Municipal Employees, AFL-CIO.

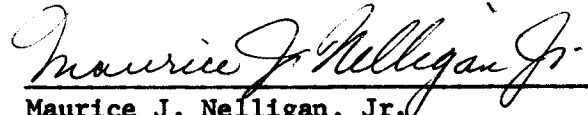
In addition, employees in Voting Group 2 shall vote as to whether or not they desire to be included with non-craft employees (Voting Group 1). If a majority of the craft employees voting vote for such inclusion, their ballots shall be tallied with those in Voting Group 1, all ballots shall be counted at face value and an appropriate certification shall issue covering Voting Groups 1 and 2. If the

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1/ (footnote 1 continued from page 1)

employees should not be denied the opportunity to affirm this designation through the election procedure. The undersigned does not agree that these considerations constitute "good cause" for extending the intervention period. The purpose of the posting is not to generate interest in another organization for which no interest had been demonstrated prior to the posting. It is simply intended to alert one or more organizations already interested that a Commission proceeding has been initiated and if they wish to perfect that interest, the time has come for participation. Lack of familiarity with the Rules is not a persuasive argument in view of the fact that the notice in question recites in substance the requirements pertinent to intervention. The exceptions are therefore without merit. Local 473's motion to intervene is denied.

craft employees do not wish to be included with the non-craft employees, their ballots shall be counted separately and an appropriate certification will issue for Voting Group 2.

  
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Maurice J. Neilligan, Jr.  
Executive Director

DATED: June 23, 1971  
Trenton, New Jersey

STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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and

Docket No. RO-198

AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO 1/

Petitioner

Appearances:

Housing Authority of the City of Camden  
by Mr. Joseph Jablonsky

American Federation of State, County  
and Municipal Employees, AFL-CIO  
by Edward J. Rodriguez of Camden, N. J.,  
International Representative.

HEARING OFFICER'S REPORT AND RECOMMENDATIONS

Pursuant to a Notice of Representation Hearing dated December 18, 1970, a hearing was held before the undersigned on January 8, 1971. At the hearing petitioner was represented. The employer, as a courtesy, designated an observer for the proceedings. The observer did not participate; he only observed.

At the hearing, International Brotherhood of Firemen and Oilers, Local 473, AFL-CIO moved to intervene based upon designations obtained subsequent to 10 days after the Notice to Public Employees was posted by the employer. 1a/

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1/ As amended at the hearing.

1a/ Public Employer has certified that the Notice to Public Employees was posted on November 23, 1970.

The petitioner citing Section 19:11-13 of the Commission's Rules and Regulations argued that Local 473 should not be allowed to intervene nor participate. Representatives for Local 473 argued in effect that the rule should not be followed and that weight should be given to the fact that the purpose of the statute is to allow employees to designate their representatives and there is interest among the employees for it to be their representative.

The undersigned reserved judgement and allowed Local 473 to participate. On a review of the record,<sup>and</sup> the facts in the instant case, I recommend that Local 473 not be allowed to intervene as its motion was not timely, i.e. within 10 days of the posting of the Notice to Public Employees provided for by Section 19:11-13, or an exception within the meaning of Section 19:19-1 "Rules to be Liberally Construed".

Accordingly, all evidence elicited or statements on position proffered by Local 473 is stricken from the record.

The facts adduced at the hearing are as follows:

The Housing Authority of the City of Camden is governed by six commissioners. Day-by-day operations are under the control of the Executive Director. Reporting to the Executive Director is the Deputy Director, the maintenance superintendent, and managers from the six projects. 2/ At each project there is an office staff and a maintenance staff. (The latter is the subject of the instant petition.)

The maintenance section receives its instructions from the project manager. The employees in question are paid by the Housing Authority; they

2/ At two of the projects there are annexes.

have the same fringe benefits, i.e. annual leave, sick leave, hospitalization and pension. The central office does all the hiring and firing. The promotional lines for the employees are laborer to maintenance repairman to senior maintenance repairman. The latter are Civil Service positions, and require the passing of an examination. Also employed by the Authority are several stationary engineers. It was not clear from the testimony as to the exact number of persons employed in or the duties of the position or the required training. Approximately 45 employees are involved in the petitioned-for-unit.

Based upon administrative notice, prior decisions and the record as a whole, I make the following findings:

1. The Housing Authority of the City of Camden is a public employer within the meaning of the Act.
2. American Federation of State, County and Municipal Employees, AFL-CIO is an employee representative within the meaning of the Act. 3/
3. As a demand for recognition was made upon the employer by petitioner on September 30, 1970, a question concerning representation exists and the matter is appropriately before the Commission.
4. The petitioner takes the position that the appropriate unit is basically all blue-collar employees.


The employees in question have similar duties, skills, working conditions, job classifications, employee benefits, supervision and the same

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3/ See State of New Jersey and American Federation of State, County and Municipal Employees, AFL-CIO, P.E.R.C No. 50, dated January 15, 1971.

promotional ladder. Administrative and managerial functions are centralized. The degree of central control of operations in labor relations is high. Accordingly, I find that the blue-collar employees employed by the City Housing Authority have a community of interest. Concerning the stationary engineers, as they work side by side with the other employees, I find that they too have a common community of interest. Accordingly, I find that the appropriate unit is blue-collar employees employed by the Housing Authority of the City of Camden but excluding office clerical, craft and professional employees, managerial executives, policemen and supervisors within the meaning of the Act. Craft employees, i.e. the stationary employees, 4/ will be polled as to whether or not they wish to be included with the non-craft employees. 5/ If a majority votes to be included, their ballots will be tallied with the non-craft employees. If they vote for separate representation, a separate tally will be issued.

Accordingly, I recommend that an election be held as soon as practical in the aforementioned unit affording the employees the opportunity as to whether or not they wish to be represented by petitioner. Craft employees, i.e. stationary engineers, will be permitted to vote as to whether or not they wish to be included with non-craft employees and whether or not they wish to be represented by petitioner.

  
Howard M. Golob  
Hearing Officer

DATED February 3, 1971  
Trenton, New Jersey

- 4/ See Bergen Pines County Hospital and International Union of Operating Engineers, AFL-CIO, Stationary Locals 68-68A-68B, P.E.R.C. No. 19, 1969.
- 5/ Petitioner, while admitting that there is no established practice or prior agreement to include craft with non-craft employees, argued that as there is a small number of craft employees this creates a "special circumstances" for their inclusion with non-craft employees. I reject this contention.