

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

In the Matter of

JERSEY CITY MEDICAL CENTER,

Public Employer,

-and-

DOCKET NO. RO-81-68

MEDICAL CENTER WHITE COLLAR  
CHAPTER, HUDSON COUNCIL #2, NEW  
JERSEY CIVIL SERVICE ASSOCIATION,

Petitioner,

-and-

LOCAL 2254, COUNCIL 52, AMERICAN  
FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES, AFL-CIO,

Intervenor.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, dismisses a Petition for a negotiations unit of white collar personnel. The employees are currently included in a larger unit and there is no evidence that the current representative improperly represented the employees or that the existing negotiations relationship is unstable.

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Intervenor.

Appearances:

For the Public Employer  
Mary B. Rogers, attorney

For the Petitioner  
Philip Feintuch, attorney

For the Intervenor  
Michael Lanni, Executive Director

DECISION

On October 1, 1980, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission") by the Medical Center White Collar Chapter, Hudson Council #2, New Jersey Civil Service Association (the "Association") seeking to represent all white collar nonprofessional personnel employed by the Jersey

City Medical Center ("Medical Center").

Local 2254, Council 52, American Federation of State, County and Municipal Employees, AFL-CIO ("Local 2254") requested to intervene in this matter, pursuant to N.J.A.C. 19:11-2.7. The Commission is in receipt of a copy of the current agreement between the Medical Center and Local 2254 covering the petitioned-for employees, and therefore, the request to intervene is hereby approved.

In accordance with N.J.A.C. 19:11-2.6, the undersigned has caused an administrative investigation to be conducted into the matters involved in the Petition in order to determine the facts. The Commission staff agent has convened an informal conference with all interested parties.

The Medical Center and Local 2254 have both declined to enter into an agreement for consent election claiming that the unit petitioned-for is inappropriate.

On the basis of the investigation to date, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.6(c), there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Jersey City Medical Center is a public employer within the meaning of the New Jersey Employer-Employee Relations

Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this proceeding, and is subject to the provisions of the Act.

3. The Medical Center White Collar Chapter, Hudson Council #2, New Jersey Civil Service Association and Local 2254, Council 52, American Federation of State, County and Municipal Employees, AFL-CIO are employee representatives within the meaning of the Act and subject to its provisions.

4. Local 2254 is the current exclusive representative of a unit comprised of all white collar and blue collar non-professional employees employed by the Medical Center.

5. On October 1, 1980, the Association filed a Petition for Certification of Public Employee Representative seeking to represent all white collar nonprofessional employees employed by the Medical Center. Thus, Petitioner seeks to sever these employees from the existing blue and white collar unit.

6. The Medical Center and Local 2254 both allege that the Association's Petition is for an inappropriate unit, since the Petition seeks to represent employees already included in a certified unit of white collar and blue collar nonprofessional employees.

7. From January 1974, to present, Local 2254, pursuant to a Commission certification, has represented both white collar and blue collar nonprofessional employees in a single unit. A collective negotiations agreement which expired on December 31, 1980, covers these employees.

8. On December 3, 1980, the undersigned informed the Association that in light of the existence, since 1974, of a single certified unit of all white and blue collar employees, it appeared that the certified unit remained the appropriate unit unless the Association could support a petition seeking severance by making a specific factual showing either that Local 2254 had provided irresponsible representation for white collar nonprofessional employees or that the negotiating relationship between Local 2254 and the Medical Center was unstable. See, In re Jefferson Tp., P.E.R.C. No. 61 (1971). The undersigned afforded the Association an additional opportunity to present documentary or other evidence specifically supporting its request for severance. The Association did not respond.

On the basis of the above findings, the undersigned concludes that the Association's Petition must be dismissed as it does not present an appropriate basis for supporting a severance of employees from an existing unit. Accordingly, the undersigned dismisses the instant Petition.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: February 10, 1981  
Trenton, New Jersey