

D.R. NO. 90-3

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

In the Matter of

TOWNSHIP OF UNION,

Public Employer,

-and-

Docket No. RO-89-132

TEAMSTERS LOCAL 866,

Petitioner.

SYNOPSIS

The Director of Representation orders an election be conducted among all blue collar workers employed by the Township of Union. The Director rejected the Township's argument that since all blue collar employees are currently employed by the Road Department of the Township of Union, the appropriate unit should be so limited. The Director finds that the Commission's policy favors structuring negotiations units along broad-based lines and not departmental lines and therefore the petitioned-for unit of all blue collar workers employed by the Township of Union is appropriate.

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Appearances:

For the Public Employer
Edwin F. Gerecht, Jr., Esq.

For the Petitioner
William Barclay, Recording Secretary

DECISION AND DIRECTION OF ELECTION

On June 2, 1989, the Teamsters Local 866 ("Local 866") filed a Petition seeking certification as the exclusive representative of all blue collar employees employed by Union Township ("Township"). The Petition is timely and supported by an adequate showing of interest.

On June 27, 1989, a Commission staff agent conducted an investigatory conference. The Township refused to consent to an election and asked that the Commission determine whether the unit sought is appropriate. The Township asserted that the appropriate unit is limited to "All blue collar workers employed by the Road Department of the Township of Union." They argued that since all

blue collar employees employed by the Township of Union are in the Road Department, the certification should be so limited. Local 866 asserted that the petitioned for unit of "All blue collar workers" was appropriate.

We conducted an administrative investigation into the allegations and issues raised in this matter. N.J.A.C. 19:11-2.6. These facts appear.

The Township of Union currently has one department -- the Road Department -- which contains blue collar employees. The employees are unrepresented.

The issue here is whether the petitioned-for unit of all blue collar employees of the Township of Union is appropriate for collective negotiations.

The Commission is charged with determining which unit is appropriate. N.J.S.A. 34:13A-6. State v. Prof. Assn. of N.J. Dept. of Ed., 64 N.J. 231 (1974). N.J.S.A. 34:13A-5.3 requires that negotiations units be defined "with due regard for the community of interest among the employees concerned." However, in making unit determinations, we must consider the general statutory intent of promoting stable and harmonious employer-employee relations. The desires of the employees and the desires of the parties, while relevant, are not paramount. We consider the totality of circumstances of the particular case, including the history of the negotiations unit and extent of organization of the employer's employees. Township of Teaneck, P.E.R.C. No. 88-20, 13 NJPER 483

(¶18270 1987); Passaic County Board of Freeholders, P.E.R.C. No. 87-141, 13 NJPER 483 (¶18179 1987); Englewood Bd. of Ed., P.E.R.C. No. 82-25, 7 NJPER 516 (¶12229 1981).

The Commission has favored structuring negotiations units along broad-based, functional lines and has been reluctant to find appropriate units which are structured along occupational or departmental lines. See State of New Jersey, P.E.R.C. No. 68; South Plainfield Bd. of Ed., P.E.R.C. No. 46 (1970); Bergen Cty. Bd. of Freeholders, P.E.R.C. No. 69 (1972); Piscataway Tp. Bd. of Ed., P.E.R.C. No. 88-124, 10 NJPER 272 (¶15134 1984); Bordentown Reg. Bd. of Ed., P.E.R.C. No. 84-126, 10 NJPER 276 (¶15136 1984), aff'd App. Div. Dkt. No. A-4503-83T6 (4/4/85); Ridgewood Bd. of Ed., P.E.R.C. No. 82-14, 7 NJPER 462 (¶12204 1981).

In NJ Institute of Technology, D.R. No. 88-29, 14 NJPER 149 (¶19060 1988), the Commission denied a petition for a residual unit composed of security guards where evidence showed the group more appropriately belonged in an existing, broad-based unit of blue-collar employees. See Tp. of Teaneck; Camden Bd. of Ed., P.E.R.C. No. 87-53, 12 NJPER 847 (¶17326 1986); County of Camden, D.R. No. 88-3, 13 NJPER 663 (¶18251 1987); Bd. of Ed. of the City of Camden and Camden City School Psychologists, E.D. No. 76-32, 2 NJPER 123 (1976) ("Camden I").

Based upon the foregoing, I find that the petitioned-for broad-based, blue collar unit is appropriate. Accordingly, I order that an election be conducted to determine whether the

petitioned-for employees wish to be represented by Local 866 for the purpose of collective negotiations. The election shall be conducted in the petitioned-for unit, described as follows:

Included: All blue collar employees employed by the Township of Union.

Excluded: All confidential employees, managerial executives, professional employees, craft employees, police employees, firefighters, supervisors within the meaning of the Act, white collar employees, employees in other negotiations units and all other employees of the Township of Union.


The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation or temporarily laid off, including those in the military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Pursuant to N.J.A.C. 19:11-9.6, the public employer is directed to file with us an eligibility list consisting of an alphabetical listing of the names of all eligible voters in the units, together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be

received by us no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. We shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

The exclusive representative, if any, shall be determined by a majority of the valid votes cast in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber
Director of Representation

DATED: August 10, 1989
Trenton, New Jersey