

D.R. NO. 95-20

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

In the Matter of

PASSAIC VALLEY WATER COMMISSION

Petitioner-Employer,

-and-

LOCAL 911,

Docket No. CU-95-19

Employee Representative,

-and-

TEAMSTERS LOCAL 97,

Intervenor.

SYNOPSIS

The Director of Representation grants the employer's request to remove chemists and engineers from the supervisors' unit, represented by Local 911, because they perform no supervisory functions. Local 911 did not oppose the petition.

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Intervenor.

Appearances:

For the Petitioner-Employer,
James Gallagher, Personnel Director

For the Employee Representative Local 911,
John Fritzsich, President

For the Intervenor Teamsters Local 97
Schneider, Goldberger, Cohen, Finn
Solomon, Leder & Montalbano, attorneys
(James Mets, of counsel)

DECISION

On October 12, 1994, the Passaic Valley Water Commission filed a Petition for Unit Clarification seeking to remove chemists and engineers from the collective negotiations unit of supervisors represented by Local 911, and to place them in the rank-and-file unit represented by Teamsters Local 97.

The Water Commission asserts that Local 911's unit is composed of supervisors and assistant supervisors. Teamster Local

97's unit consists of non-supervisory employees. The Water Commission contends that the two engineers and the three chemists are not supervisors in that they possess none of the statutory indicia of supervisory authority.^{1/} Accordingly, the Water Commission asks that we remove these employees from the supervisors' unit and provide them an opportunity to become members of the rank-and-file unit represented by Local 97.

By letters dated October 24, November 15, and December 15, 1994, we solicited responses to the proposed clarification from both organizations.^{2/} Local 911 has not objected to the petition, nor has it responded in any way to our letters. We advised Local 911 that its failure to respond would be interpreted as a release of the chemists and engineers from its supervisory unit. We received no reply. On January 5, 1995, we advised all parties that we intended to grant the employer's petition. We again received no reply.

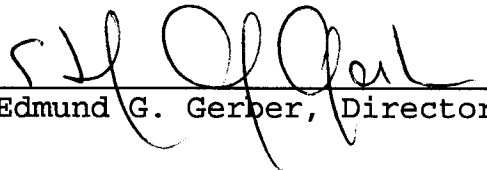
Accordingly, I find that there is no dispute concerning the proposed clarification. I find that the engineers and chemists are non-supervisory employees. The Water Commission's proposed unit

^{1/} N.J.S.A. 34:13A-5.3 defines supervisory employees as those having the power to hire, fire, discipline or effectively recommend the same.

^{2/} The October 24 and November 15 letters were sent to Local 911's attorney of record; the December 15 letter was sent directly to Local 911.

clarification to remove the chemists and engineers from Local 911's supervisors' unit is granted, effective immediately.^{3/}

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: January 30, 1995
Trenton, New Jersey

^{3/} Local 97 has not objected to including these titles in its unit. We will permit the employer and Local 97 to resolve the accretion of these employees into the rank-and-file unit. Alternatively, Local 97 may file an appropriate petition to add these employees to its unit.