

E.D. No. 8

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN

Public Employer

and

TEAMSTERS LOCAL 676

Petitioner

Docket No. R-22

and

CAMDEN COUNCIL NO. 10,
NEW JERSEY CIVIL SERVICE ASSOCIATION

Petitioner

Docket No. R-110

DECISION AND DIRECTION OF ELECTIONS

Pursuant to a Notice of Hearing on consolidated cases Docket Nos. R-22 and R-110 to resolve a question concerning representation of certain employees of the City of Camden a hearing was held before Hearing Officer Jonas Silver on October 21 and November 12 and 28, 1969, at which all parties were given an opportunity to examine, and cross-examine witnesses, to present evidence and to argue orally. On January 6, 1970, Hearing Officer Jonas Silver issued his Report and Recommendations. Camden Council No. 10, New Jersey Civil Service Association filed exceptions to certain findings and recommendations of the Hearing Officer. 1/

1/ Teamsters Local 676 contends that Council No. 10's exceptions are not timely filed and that a copy was not timely served on them. Inasmuch as the exceptions were timely filed within the extension of time granted by the Executive Director and service was attempted but returned by the post office and subsequently hand delivered, the undersigned finds the exceptions are properly considered in this proceeding.

The Executive Director has considered the record, the Hearing Officer's Report and Recommendation, and the exceptions and on the basis of the facts in these cases finds:

1. City of Camden is a public employer within the meaning of the Act and is subject to the provisions of the Act.
2. Teamsters Local 676, and Camden Council No. 10, New Jersey Civil Service Association are employee representatives within the meaning of the Act.
3. The employer refuses to recognize either petitioner as the exclusive negotiating representative for certain of its employees; accordingly, a question concerning the representation of public employees exists and the matter is properly before the Commission for determination.
4. The Executive Director adopts the Hearing Officer's findings and recommendations except as modified herein.
5. The Teamsters seek essentially a city-wide unit of all blue collar employees; Council No. 10 seeks essentially a city-wide unit of blue and white collar employees; the employer takes no unit position. The Teamsters' request to intervene on the petition of Council No. 10 and its motion to amend its own petition to enlarge the scope of its unit to embrace all blue collar employees are granted on the basis that the undersigned has found the Teamsters' showing of interest sufficient for the blue collar unit it now seeks as well as for its intervention on Council No. 10's petition.
6. Council No. 10 states in its exceptions that it agrees with the Hearing Officer's findings that a unit of all employees is appropriate, or alternatively, that a unit of blue collar and a separate unit of white collar employees may be appropriate. Council No. 10 notes that "what it takes exceptions to is the manner of determination", that is,

the Hearing Officer's recommendation that the scope of the unit(s) be determined by the employees' choice of representative 1/ rather than by permitting employees to choose, in addition to a representative, whether the units be separate or combined. In other words, Council No. 10 asks that every employee be given the opportunity of self determination of the unit he will belong to: a mixed unit (blue and white collar) as opposed to a separate unit for his particular group, blue collar or white collar respectively.

The Act requires 2/ the Commission to provide self determination of unit for only two groups, professional and craft employees. Council No. 10 asks that this same opportunity be afforded to all blue and white collar employees. It states that "[t]o determine the appropriate unit on the basis of the vote for representative effectively denies the employee a choice of unit and makes that determination depend not on his vote but on the vote of his fellow workers." It is true that choice of unit is denied these employees in the sense that this question is not posed on the ballot, but the above observation erroneously presumes that these employees have the right to vote on that specific question. There is neither a statutory nor a rational basis for extending that right to them. The mere fact that two appropriate units may exist side by side, or as one, does not create a right to self determination. It simply means that if different representatives are selected, the units may stand individually as viable groups, but if the same representative is chosen, there is no

1/ The Hearing Officer recommended that if the majority of employees in each unit voted for different representatives, separate units of white and blue collar employees would be established; if majorities voted for the same representative, the two units would be combined under a single certification.

2/ absent established practice, prior agreement or special circumstances which dictate to the contrary.

reason to establish a permanent separation of the two units which have already been found to be compatible. It is true that if separate representatives were chosen, the employees would be said to have indirectly determined the units to be established, but this is a happenstance arising from the fact several employee organizations are competing for one or more of several units which are considered appropriate individually or in combination. In that situation, the Commission has said that it will give due regard to the desires of the employees, 3/ meaning that where units may be separated as well as joined, majorities may produce different representatives. Such "due regard" by the Commission is simply a recognition that one arrangement of the units is no more appropriate than the other, thus let the employees take advantage of that fact if they so desire. On the other hand self determination by professional and craft employees is a statutory dictate.

In addition to the above observations, there is the practical consideration that the application sought by Council No. 10 may not achieve its objective because if the blue collar unit votes for combined representation but the white collar unit votes for separate representation there would be no obvious resolution. If we were to pool all votes of both groups on the question of separate or combined representation, neither group would then be engaging in self-determination. That concept can function where only one of several groups is given the option, not each group.

Based upon all of the above, the undersigned does not find merit in Council No. 10's exceptions as to the voting procedure and directs

3/ Camden County Board of Chosen Freeholders, PERC, No. 28.

that elections shall be conducted in two voting groups utilizing the procedure hereinafter set forth.

7. Council No. 10 further excepts to the Hearing Officer's recommendations wherein he excluded the foreman in the Department of Public Works as a supervisor and found that assistant engineer and senior engineer were excluded as professional employees.

The evidence reveals, and Council No. 10 agrees, that the foremen in the Department of Public Works have disciplined employees and have in fact suspended employees for periods not exceeding five days. Although these actions of the foreman are reviewable and may be altered, this review occurs only after the fact and may in some instances not occur at all. Notwithstanding the fact that the foreman's actions may be subject to an independent investigation, this action is a review after the fact. Thus, the foreman's action is effective pending review and may properly be viewed by the employee as being effective. Although the disciplinary actions may be reversed or revised, they nevertheless are effective unless and until modified. The undersigned finds contrary to Council No. 10's assertions, that such discipline is not confined to drunkenness which may require emergency action and that the foreman's disciplinary activities are not beyond the scope of his authority. Accordingly, the undersigned concludes that the foreman in the Department of Public Works possess the authority to discipline employees and are supervisors within the meaning of the Act.

With reference to the assistant engineer and senior engineer the undersigned finds insufficient evidence in the record regarding their job duties to determine whether or not they are professional employees.

The lack of a college degree is not, in the opinion of the undersigned, dispositive of this issue because if the work performed is of the character of that normally performed by a professional with a college degree this may result in a finding that the employees are in fact professionals. Accordingly, no determination is made regarding the status of assistant engineer and senior engineer and they shall be permitted to vote subject to challenge in the white-collar voting group set forth below.

Based upon all of the above the undersigned finds that the following voting groups are found to be appropriate:

Voting Group A

All blue collar employees of the City of Camden including senior parking lot attendants, laborers, laborers (medium), laborers (heavy), laborers (heavy)-Refuse Division, laborers (light), laborers (driver), building service workers, building service workers (part-time), recreation maintenance men, recreation maintenance repairmen, park maintenance men, senior park maintenance men, traffic maintenance men, building maintenance workers, senior building maintenance workers, watchmen, park guards, watchmen (part time), maintenance repairmen, senior maintenance repairmen, maintenance repairmen (painter), parking meter repairmen, mechanical repairmen, welders, garage attendants, truck drivers, truck drivers-Refuse Division, heavy equipment operators, equipment operators (sweeper), equipment operators, broommakers, asphalt workers, asphalt rakers, exterminators, police and fire signal system repairmen, electrician's helper, water repairmen, senior water repairmen, water meter repairmen, pumping station attendants, pumping station operators, pumping station repairmen, chief sewage plant operator, chief sewage plant repairman, sewage plant operators, senior sewage

plant operators, sewage plant repairmen, senior sewage plant repairmen, storekeepers, chief electrician (sewage electrician), foremen and superintendents in the Department of Health, Recreation and Welfare, foremen in the Department of Engineering and Building Inspections, but excluding all white collar clerical, administrative and technical employees, craft employees, professional employees, inspectors, confidential employees, foremen, assistant superintendents, superintendents and supervisor of motors in the Department of Public Works, assistant superintendent and superintendent (Bureau of Signals), acting director (Bureau of Street Signs and Parking Meters), and all other supervisors as defined in the Act, police and firemen, officers and employees in the unclassified service and managerial executives.

Voting Group B

All white collar clerical, administrative and technical
 (Account Clerk, Addressograph Machine Operator, Administrative Analyst
 Administrative Clerk and Registrar of Vital Statistics, Administrative
 Clerk, Board of Adjustment, Administrative Clerk, Business Administrator,
 Administrative Secretary, Department of Engineering and Building
 Inspections, Administrative Secretary, Department of Health, Housing
 and Welfare, Administrative Secretary, Department of Public Works,
 Assessing Clerk, Assessing Draftsman, Assistant Assessor, Assistant
 Municipal Comptroller, Assistant Municipal Superintendent of Weights
 and Measures, Assistant Supervisor of Data Processing, Assistant
 Supervisor of Water Collections, Assistant Supervising School Traffic
 Guard, Assistant Violations Clerk, Bookkeeping Machine Operator, Cashier,
 Chapel Attendant, Chief Assistant Assessor, Chief Clerk, Department of
 Public Works, Chief Clerk, Department of Law, Chief Clerk, Tax Office,
 Chief Medical Technologist, Chief Parking Violations Officer, Clerk

Clerk Driver, Clerk Stenographer, Clerk to Chief Engineer of Uniform Fire Division, Clerk Typist, Cost Estimator - Property Improvement, Court Interpreter, Deputy City Clerk, Deputy Municipal Court Clerk, Engineering Aide, Engineering Draftsman, Field Representative Disease Control, Field Representative - Property Improvement, Head Account Clerk - Department of Health, Housing and Welfare, Head Clerk Stenographer, Head Clerk, Head Clerk Bookkeeper, Housing Supervisor, Interpreter - Spanish, Interpreter -Spanish, Investigator, Alcoholic Beverage Control, Investigator, Health Department, Investigator, Public Works, Juvenile Aide, Key Punch Operator, Laboratory Assistant, Laboratory Technician Sewage Plant, Legal Stenographer, Medical Technologist, Municipal Court Attendant, Municipal Court Clerk, Municipal Superintendent of Weights and Measures, Parking Meter Collector, Parking Violations Officer, Payroll Supervisor, Plan Examiner, Police and Fire Alarm Operator, Principal Account Clerk, Principal Addressograph Machine Operator, Principal Auditor, Principal Bookkeeping Machine Operator, Principal Clerk, Principal Clerk Bookkeeper, Principal Clerk Stenographer, Principal Engineering Aide, Principal Engineering Clerk, Principal Engineering Draftsman, Principal Key Punch Machine Operator, Principal Planner, Principal Planning Draftsman, Principal Tax Clerk, Process Server, Public Relations Officer - Part Time, Radio Dispatcher - Department of Public Works, Receptionist - Complaints Receptionist, Registrar of Vital Statistics - Part Time, School Traffic Guard, Secretary to Housing Project Director, Secretary - On the Job Training, Senior Account Clerk, Senior Cost Estimator - Property Improvement, Senior Assessing Clerk, Senior Assistant Assessor, Senior Auditor, Senior Bookkeeping Machine Operator, Senior Cashier, Senior Clerk, Senior Clerk Stenographer, Senior Clerk

Typist, Senior Engineering Aide, Senior Key Punch Operator, Senior Laboratory Technician, Sewage Plant, Senior Legal Stenographer, Tax Title Lien, Senior Legal Stenographer, Senior Legal Stenographer, Contracts, Senior Parking Meter Collector, Senior Permit Clerk, Senior Planner, Senior Planning Aide, Senior Tabulating Machine Operator, Senior Tax Clerk, Supervising Field Representative - Property Improvement, Supervisor of Recreation, Supervising School Crossing Guard, Supervisor of Tax Sales, Supervisor of Water Collections, Tabulating Machine Operator, Tax Searcher, Telephone Operator, Tenant Housing Advisor, Title Searcher, Violations Clerk, Welfare Interviewer and Investigator, Welfare Supervisor, Senior Timekeeper, Stock Clerk, Street Sweeper, Violations Officer, Timekeeper, Supervisor of Recreation, Supervisor of School Crossing Guard, Supervisor of Tax Sales, Supervisor of Water Collections, Supervisor of Welfare, Supervisor of Housing, Supervisor of Payroll, Assistant Supervisor of Recreation, Assistant Supervisor of School Crossing Guard, Assistant Supervisor of Tax Sales, Assistant Supervisor of Water Collections, Assistant Supervisor of Welfare, Assistant Supervisor of Housing and Assistant Supervisor of Payroll) of the City of Camden, including inspectors, (Air Pollution Inspector, Assistant Building Inspector, Assistant Chief Housing Inspector, Building Inspector, Building Inspection Aide, Chief Housing Inspector, Chief Sanitary Inspector, Chief Sanitation Inspector, Housing Inspector Industrial Water Meter Reader and Inspector, License Inspector, Plumbing Inspector, Sanitary Inspector, Sanitary Inspector Trainee, Senior Plumbing Inspector, Sidewalk Inspector, Street Lighting Inspector, Water Meter Reader and Inspector, Sanitation Inspector) but excluding all blue collar employees, (as set forth in voting group A), craft employees, professional employees, (Assistant Engineer (Mechanical),

Assistant Municipal Engineer, Assistant Public Health Nurse Supervisor, Attorney, Civil Rights Commission - Part Time, Environmental Health Co-ordinator, Health Educator, Health Officer, Medical Social Worker, Municipal Engineer, Planning Director, Police and Fire Surgeon, Public Health Nurse, Public Health Nutritionist, Public Health Nurse Supervisor, Senior Public Health Nurse, Specialist - Human Resources Development, Specialist - Manpower and Economic Development), confidential employees, (Administrative Secretary, Business Administrator, Administrative Secretary, Department of Public Safety, Administrative Secretary, Office of the Mayor, Public Works Inspector, Confidential Secretary to Mayor) supervisor of collection of revenue and all supervisors as defined in the Act, police and firemen, all employees on temporarily funded projects, officers and employees in the unclassified service and managerial executives.

If the employees in Voting Group A and the employees in Voting Group B vote for representation by different employee organizations or if either or both voting groups reject representation by an employee organization, then separate appropriate certifications shall issue in Voting Group A and in Voting Group B. In the event that the employees in Voting Groups A and B vote for the same employee organization, a single certification shall issue covering all employees described in the aforementioned voting groups and they shall constitute one appropriate unit.

We find, after having determined the desires of the employees as expressed in the elections herein directed that the appropriate collective negotiations units are those that will result from the certification(s) which will issue as set forth above.

Eligible to vote are all the employees in the units described

above 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 on leave of absence, 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. The elections directed herein shall be conducted in accordance with the provisions of the Commission's Rules and Regulations and Statement of Procedure, and they shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote in each of the voting groups shall vote on whether or not they desire to be represented for purposes of collective negotiations by Teamsters Local 676; Camden Council No. 10, New Jersey Civil Service Association; or neither.



Louis Aronin
Executive Director

DATED: July 10, 1970
Trenton, New Jersey

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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CITY OF CAMDEN

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Petitioner in R-22
Intervenor in R-110

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CAMDEN COUNCIL # 10, NEW JERSEY CIVIL
SERVICE ASSOCIATION

Petitioner in R-110

Docket Nos. R-22
R-110

APPEARANCES:

For the City of Camden

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For Teamsters Local 676

Plone, Tomar, Parks & Seliger, Esqs.

By: Howard S. Simonoff, Esq.

Moses Jackson, Business Agent

For Camden Council # 10, New Jersey Civil Service Association

M. Allan Vogelson, Esq.

Mildred DiFante, President

REPORT AND RECOMMENDATIONS
OF HEARING OFFICER

Upon petitions duly filed under the New Jersey Employer-Employee Relations Act, hearing in this proceeding was held at Camden, New Jersey, on October 21, 29, and November 12, 28, 1969, before Jonas Silver, ad hoc Hearing Officer of the Commission. At the hearing, the parties were given full opportunity to present testimony, evidence and argument, and to examine and cross-examine witnesses. The parties argued orally at the close of the hearing; a brief was

filed by Teamsters and duly considered.^{1/}

Upon the entire record in this proceeding, the Hearing Officer finds:

1. The City of Camden is a public employer within the meaning of Section 3 (c) of the Act.

2. Teamster Local 676, hereinafter referred to as Teamsters, Petitioner in Docket No. R-22 and Intervenor in Docket No. R-110, is an employee representative within the meaning of Section 3 (e) of the Act.

3. Camden Council # 10, New Jersey Civil Service Association, hereinafter referred to as Council 10, Petitioner in Docket No. R-110, is an employee representative within the meaning of Section 3 (e) of the Act.

4. Inasmuch as the public employer has declined to recognize any employee representative as an exclusive representative of any employees involved herein, a question concerning the representation of public employees exists.

5. The appropriate unit: In general, the Teamsters' unit request, as amended at the hearing, embraces all blue collar employees of the City excluding all white collar i. e., clerical and administrative employees, professional and semi-professional, inspectors, police and firemen, foremen and all other supervisors. In general, Council 10 seeks a unit of all white collar and blue collar employees of the City, including foremen and supervisory titles, and excluding all officials and employees in the unclassified service, professional and semi-professional employees, police and firemen. In general, the City expresses no preference as to unit, preferring to rely upon whatever determinations emerge from this proceeding.

^{1/} On December 23, 1969, Council 10 filed a letter with proposed exhibit. Both are rejected as post-hearing proffer of evidence.

At the seat of municipal government in Camden City Hall, are found various departments of public administration with directive authority emanating from the heads of departments, divisions and bureaus. In some departments such as the Department of Administration, the clerical and administrative personnel associated therewith perform their duties at City Hall. In other departments such as Public Works where the municipal services entail street cleaning and maintenance, garbage removal, water utility and the like, the primary functions of necessity take place away from City Hall and involve principally manual skills rather than clerical and administrative tasks. It is out of the differences in job skills and separate work locations, together with related factors, that Teamsters endeavor to delineate a distinctive "community of interest" in terms and conditions of employment summarized as blue collar. The latter number about 336 of whom 251 are in the Department of Public Works. Council 10, on the other hand, seeks to establish a "community of interest" of municipal employees, regardless of collar (numbering about 792), stemming from a mutual interdependence of job duties, together with related factors, in fulfilling the public service objectives of each of the departments and the municipality.

Before centering inquiry about representative blue collar and white collar job classifications that fall within the respective unit claims, it is well to note elements of salary, fringe benefits and working conditions that all employees involved herein experience in common. Thus the salary and wage schedule establishes minimum and maximum annual rates with a three step (January 1, 1970) automatic progression covering these civil service classified jobs except that some are on related per diem rates. All come under the same Blue Cross-Blue Shield hospitalization and medical plan paid by the City; all enjoy the same vacation and sick leave; all obtain the same number of paid holidays; and all are covered by severance pay. There is a uniform Public Employees Retirement System providing pensions based on

joint contributions varying in amount with actuarial considerations. With few exceptions, the hours of work are from 8 AM to 4 PM.^{2/}

(a) Department of Public Works: Teamsters would include the following employees in the Department of Public Works: Municipal Garage--mechanical repairman, welder, garage attendant, heavy laborers, maintenance repairman painter, laborer, truck driver, watchman; Division of Street Services, Street Cleaning--heavy equipment operator, equipment operator sweeper, equipment operator, truck drivers, laborer-light, laborers, laborers-heavy, laborer driver, broommaker, watchman; Division of Street Services, Garbage and Trash Removal--heavy equipment operator, equipment operator, truck driver-refuse, laborer heavy refuse, laborer, watchman; Division of Street Services, Street Maintenance and Repairs--heavy equipment operator, truck driver, laborer-heavy, laborer, laborer-light, garage attendant, asphalt worker, asphalt raker, equipment operator; Division of Water Utility--senior water repairman, water repairman, water meter repairman, pumping station attendant, pumping station operator, pumping station repairman, laborers, laborer-heavy, laborer-driver, watchman, equipment operator; Division of Sewers and Sewage Treatment--chief sewer plant repairman, senior sewer plant operator, storekeeper, electrician helper, sewer repairman, sewer plant operator, sewer plant repairman, laborer-heavy, laborer, laborer light, truck driver.

Located about a mile from City Hall, the municipal garage serves as a repair centre for trucks used in other City departments and to a limited extent by the Department of Public Safety. A typically encountered employee at this

^{2/} The uniformed services are not included in the above pension, vacation and holiday pay provisions but have arrangements of their own.

location is the mechanical repairman whose work it is to perform various mechanical tasks involved in the maintenance and repair of motor vehicles and mechanized equipment, working with machine and hand tools common to the trade. A requirement for the job is three years of varied experience in the installation, maintenance and repair of different types of motors, vehicles and equipment. Working about the garage as well as at the other City locations, are laborers of different classifications. These employees perform various types of manual and unskilled laboring work, and may occasionally drive a truck. Watchmen, too, are found at this and other locations, protecting buildings, grounds and property from trespass, damage and theft.

Working in a separate room off the garage vehicle area are principal clerk and senior clerk typist whose duties involve handling clerical work only that goes through the garage such as preparing requisitions; receiving and processing bills, and keeping job time sheets. Attired in regular business type clothes, these clerical employees come under the direction of the supervisor of motors at the garage who is in charge of the blue collar employees.

Located at 12th and Federal, are the Street Cleaning and the Street Maintenance and Repair functions. Employing equipment such as street sweepers, trucks, and asphalt laying machines, the employees clean and repair the City streets, under the overall direction of a superintendent. A typical employee engaged in street cleaning is that of equipment operator (sweeper) who operates a street sweeper in addition to other equipment; drives trucks; services and assists in making minor repairs in the field and repair shop; and occasionally and incidentally performs manual and unskilled laboring work. This employee is required to have one year of experience in the operation and maintenance of trucks and maintenance and construction equipment. There is a clerk employed at this location as well as

radio dispatchers. A street superintendent is in charge.

Working out of the Garage and at 12th and Federal, are the employees in Garbage and Trash Removal who operate garbage removal trucks on the City streets assisted by laborers in garbage collection; at the sanitary landfill are those employees who operate heavy equipment such as bulldozers and front-end loaders. A truck driver, commonly found in this and other divisions, drives, unloads and loads with or without assistance, and makes minor repairs to trucks. He occasionally performs manual or unskilled laboring work. Overall direction is in the hands of a superintendent at the dump.

At the municipal water plant in Pennsauken and at the pumping stations, all within the Division of Water Utility, one meets the typical non-clerical employee, i. e., pumping station operator. This employee operates, adjusts, regulates and maintains pumping station equipment; and takes periodic readings of relevant gauges and records these readings. He is required to have one year of experience in operating, adjusting and regulating pumps, valves and other equipment. Out of 12th and Federal and in the same division, the water meter repairman does the work involved in the installation, maintenance and repair of water meters. He is required to have one year of experience in mechanical work. Directing the overall work of the division is the water superintendent who has an office at the water works and at City Hall. At the City Hall chief clerk, senior clerk typist, and principal clerk, under the water superintendent, concern themselves with the operations of the Water Division from the clerical side, i. e., processing reports for the State Health Department, keeping records on the daily pumpage, etc.

At the sewage facilities of the Division of Sewers located at Second and Jackson and Cramer Hill, the most commonly found job classifications are those of laborer and sewage plant operator. The latter operates, adjusts and regulates sewage plant pumps, valves and other equipment and takes periodic readings of

relevant gauges. He is required to possess some knowledge of the proper procedures used in operating, adjusting and regulating sewage plant pumps, valves and other equipment. The direction of the work is under a superintendent. There are some clericals at the plant--laboratory technician, account clerk, clerk and storekeeper; there are also principal account clerks attached to the division who work at City Hall.

At City Hall the Director of Public Works has his office together with administrative secretary, secretaries, receptionist principal clerk, timekeeper and inspectors. The timekeeper prepares the time sheets for the entire department using information put on the sheets by the superintendents of the divisions as to time worked and salaries earned by all employees in order to make up the payroll.

(b) Department of Health, Recreation and Welfare: Teamsters would include within the blue collar category: Bureau of Civil Defense--building service worker, heavy laborer; Division of Recreation-Playgrounds--recreation maintenance repairman; park maintenance man, heavy laborer; Division of Parks and Property, City Parks--truck driver, laborer, laborer-driver, laborer-heavy, senior park maintenance man, park maintenance man, exterminator, garage attendant, watchman; Division of Parks and Property, Cemeteries--laborer-heavy, watchman (part time); Division of Health, Bureau of Health--building service worker (part time).

Working at the City parks and playgrounds under the same superintendent, one typically finds laborers, truck drivers and park maintenance men. A park maintenance man and recreation maintenance man perform a variety of routine maintenance, repair and cleaning tasks on buildings, equipment, playgrounds and parks and are required to have some knowledge of tools, materials, methods and practices used in park and playground maintenance work. Most of the employees in this department perform office type duties and include case workers and

welfare investigators, recreational leaders, clerks, principal clerks, and clerk typists. The clerical workers are concerned with the activities confined to the particular bureau within the department. Only about 10 percent of the employees of this department are engaged in heavy manual labor in the field. All come under a Director whose office is at City Hall.

(c) Department of Community Relations: Teamsters would include as blue collar employees building maintenance worker, watchman and maintenance repairman. Working at Convention Hall under a Director, the characteristic building maintenance worker performs various simple and routine tasks involved in the cleaning and maintenance of buildings and grounds and is required to have some knowledge of the methods, equipment, and tools used.

(d) Department of Engineering and Building Inspection, Bureau of Signals: Teamsters seek as blue collar police and fire signal repairman and electricians helper whose job it is to repair and install police, traffic and fire signals throughout the City. Working out of the fire house at 3rd and Arch under a superintendent, these employees, attired in work clothes, go about in pairs to localize defects in signals and repair same; install fire alarm boxes, registers and gongs, police boxes, registers and bells, etc. The police and fire signal repairman is required to have two years of experience in skilled police and fire alarm repair work or in skilled electrical work. Bureau of Street Signs and Parking Meters: This bureau is under a senior engineer who is acting director over the work of parking meter repairman, a job classification sought by Teamsters. The clerks employed in this department are confined in their work to the particular divisions to which they are assigned and are not interchanged.

(e) Additionally, Teamsters seek senior parking lot attendant, parking lot attendant, and heavy laborers in the Department of Administration; senior building maintenance worker, building maintenance worker, heavy laborer, truck

driver, senior maintenance repairman and mechanic repairman in the Department of Public Safety.

With the exception of emergency circumstances, employees assigned to a blue collar classification within a division or bureau, are rarely transferred to another division or bureau.

(f) Clerical, administrative and technical^{3/} employees: The greatest number of white collar employees are found at City Hall within the several departments coordinated by the Department of Administration headed by the Business Administrator. The nature of the duties of these employees and the requirements of the jobs are afforded by the following summaries of representative job classifications: Account clerk--performs varied clerical tasks involved in keeping accounts of a routine nature; posts entries in cash books, journals, ledgers and other records; prepares records of cash receipts and disbursements; calculates deductions to be made from the pay of individuals; keeps a continuous record of the amount, kind, and value of merchandise, material, equipment, and stocks on hand; gives routine information in person and over the telephone. These employees are required to have a high school education or equivalent and some knowledge of modern office methods, practices, and equipment. Administrative clerk--assists an administrative officer in the formulation of effective policies and procedures for the office and other clerical and related operations of a department; analyzes and directly and indirectly supervises the clerical work involved in the preparation of the annual budget for a department; collects and analyzes data needed as a basis for administrative decisions; makes special investigations for an administrative officer. These employees are required to have a high school education; five years of responsible experience in clerical work; and a thorough knowledge of modern office methods, practices and equipment as well as of the

^{3/} While Council 10 does not use the term "technical", it is clear that certain employees fall within that term.

internal organization of the department or autonomous government agency. Clerk stenographer-- takes and transcribes dictation of limited complexity; types a wide variety of materials; opens, sorts and distributes mail; gives routine information in person and by telephone; occasionally operates office machines; maintains established records and files. These employees are required to have a high school education or equivalent and some knowledge of modern office methods. Clerk typist--types a wide variety of materials from pencil copy, rough notes and detailed instructions such as correspondence, forms, memoranda. These employees are required to have a high school education or equivalent and some knowledge of office methods and equipment. Head clerk bookkeeper--performs highly responsible and varied bookkeeping-clerical work requiring thorough knowledge of department rules and regulations and has charge of a large bookkeeping clerical unit; makes suitable journal, ledger, cash book and other entries; maintains double entry ledgers and subsidiary ledgers; prepares difficult financial statements; prepares trial balances. These employees are required to have high school or equivalent education; three years of experience in bookkeeping and clerical work; thorough knowledge of office methods, practices and equipment, and of performing complex bookkeeping work. Key punch machine operator--punches cards used for accounting, statistical, payroll and other purposes; operates verifying machines; codes the data from which cards are to be punched; files tabulating cards; does the typing and related clerical work. These employees are required to have an ability to read and write English with facility supplemented by training or experience in the operation of key punch machines, verifiers and related equipment. Welfare interviewer and investigator-- performs the routine work required in interviewing applicants for assistance and makes preliminary fact-finding investigations of the financial and other resources and the legal settlement of applicants and their families for the purpose of establishing eligibility for public assistance. These

employees are required to have the equivalent of high school education; one year investigatory experience; ability to establish and maintain cooperative relationships with clients, business men, employers, the public; and to prepare concise reports. Engineering aide--does chaining and measuring with a tape; runs a level rod; drives stakes; clears survey lines; reduces level notes; plots, inks and calculates simple cross-sections; makes simple mathematical calculations; and does routine drafting and tracing. These employees are required to have high school or equivalent education including courses in algebra, geometry or trigonometry; and some knowledge of the methods and materials used in construction work. Engineering draftsman--in an engineering unit, performs the routine drafting work involved in plotting alignments of roads from construction plans and inventory field notes; draws widths and types of pavements; draws, numbers and indexes bridges, railroad overpasses and underpasses, grade crossings; inks titles on property maps and construction plans. These employees are required to possess high school or equivalent education supplemented by courses in drafting and knowledge of drafting problems.

(6) The appropriate unit; conclusory findings as to overall delineation:

It is readily observable that the employees sought by the Teamsters possess several characteristics in common, characteristics which may be said to distinguish them from other civil service employees. The duties of their jobs whether in the areas of sanitation, street maintenance, truck driving, vehicle repair or water facility operation and maintenance, require the use of manual labor in varying skills from ordinary physical effort to mechanical capabilities. Not for them the surroundings of desk, chair, telephone, office machine and filing cabinet; the relatively constant summoning up of mental processes, the calm passage back and forth of memoranda, forms, reports, documents, and correspondence. Attired in work clothes and laboring in the field under on the job supervision separate

from that of their desk bound, fellow civil servants at City Hall, the blue collar employee is not usually required to bring to the job a level of high school education. Ability to use tools, drive trucks, operate equipment, make electrical and mechanical repairs, together with strong hands, qualify him to perform the tasks of primarily measurable, physical output. To be sure certain of the clerical personnel, relatively few in number, are found performing office type duties at particular field locations. To this extent these clerical employees may be said to serve more directly in support of the function of the blue collar employees than do the clerical employees at City Hall. However, the essential distinguishing factors between manual labor on the one hand and clerical on the other, remain. The office in the field though perhaps not as prestigious as that at City Hall, nevertheless is separated from the labor site, as at the municipal garage, for example. In view of the foregoing considerations, it is reasonable to infer that the blue collar employees, as sought by Teamsters, possess a community of interest predicated on distinctive manual labor, work location in the field, separate supervision, absence of formal education and emphasis on prior manual or mechanical experience. I find therefore that a unit of blue collar employees of the City of Camden may constitute an appropriate unit.

The line which separates blue collar employees from the other non-uniformed personnel of the City, serves also to demarcate a community of interest among white collar employees. The nature of the duties performed centre about mental skills of varying degree; the equipment used is that of office type machines; the level of achievement runs the gamut of routine clerical or application of technical knowledge to judgment and discretion in aid of administrative policy and regulatory objectives. The work site is in or reporting to City Hall, the working supervision is primarily that of white collar employees;

the attire befits a desk type job; and informational contact with the public, represents a common incident of employment. The level of education corresponds with the requirements of the job, i. e., high school with specialized knowledge in technical fields together with commensurate experience. These indicia, in capsule statement, permit the inference of white collar identity, a phenomenon of sociological import, carrying the hallmark of "white collar mentality." It is reasonable to suppose therefore that the clerical, administrative and technical employees of the City of Camden will react in common fashion in pursuance of their interests in terms and conditions of employment through collective negotiations. I find that a unit of such white collar employees may constitute an appropriate unit.

As heretofore indicated a separate blue collar and a separate white collar negotiating unit would satisfy the requirements of the Act in affording the employees of the City of Camden the opportunity to engage in collective representation should they so desire. Mindful, however, that the Act does not mandate a finding of the only appropriate unit or the most appropriate unit, it is incumbent upon the Hearing Officer to consider whether all reasonably substantiable modes of recognition of community of interest have been encompassed in the findings heretofore made. In this connection, it is not possible to overlook the element of mutuality of employee interest engendered by the commonalty of Civil Service. Whether blue or white collar, the rules for appointment, tenure, promotion, discipline, discharge, and the like, are substantially the same. As heretofore found, the salary structure, hours of work, vacation, holiday, sick leave, medical-hospitalization and pension plan are the same, whether blue or white. Furthermore, whether blue or white, all are engaged in carrying out the public service function of the department or division of municipal government.

It is reasonable therefore to infer that a unit of blue and white collar employees may likewise be appropriate that being the optimum or City-wide, all inclusive non-uniformed employee unit.

Accordingly, it is recommended that the Commission withhold final determination of an appropriate unit or units pending the outcome of the elections hereinafter set forth. Such elections shall, "As a measure of the community of interest among the employees concerned, enable the Commission to look to the expressed desires of the employees as reflected by them in the exercise of their franchise. The Act recognizes this factor by granting self-determination elections to craft employees and professional employees before they may be included with other groups.^{4/} Blue and white collar employees of the City shall not be combined in one bargaining unit unless both blue and white collar employees vote for the same employee organization, if any. "Through this method the employees' desires will be given due weight by the Commission in determining the composition of the appropriate unit or units."^{5/}

(7) The appropriate unit; inclusions and exclusions: Questions exist with regard to the inclusions or exclusions of professional, craft, inspectors, confidential employees, and supervisors.

(a) Professional: Teamsters would exclude all professional and semi-professional employees from the blue collar unit. Council 10 would exclude

^{4/} Camden County, Board of Chosen Freeholders, P.E. R. C. No. 28.

^{5/} Ibid.

such employees from the overall unit it is seeking. In agreement with the parties, the Hearing Officer shall exclude the professional employees from any unit which may be appropriate.^{6/}

(b) Craft: There is a chief electrician who, it appears, is under the superintendent of sewerage. He works on electrical panel boards that require repair and rewiring and, on occasion, will have a helper under him. The description of an electrician's work indicates that the latter performs all general electrical work involved in the installation, maintenance, inspection, repair, and servicing of electrical circuits and equipment; that he works with the tools of the trade using schematics and specifications in accordance with the electrical code; and that he possesses three years of prior experience in electrical work involving a variety of tasks. Inasmuch as the chief electrician fulfills this description and occupies the position of skilled tradesman to unskilled helper, I find that the chief electrician is a craft employee without supervisory indicia within the meaning of the Act. There does not appear to be an electrician, as such, on the existing payroll. And, though the schedule of employees carries a chief machinist who may be a craft employee, that position has not been filled for two years.

Absent more than one craft employee, the requirement of the Act that craft employees be afforded an opportunity to indicate whether or not they desire to be combined with noncraft employees, cannot be fulfilled. Such fortuitous circumstance may not be permitted to stand in the way of according to the craft

^{6/} It appears from the list of titles furnished by Council 10, that assistant engineers, and senior engineer as well as health educator, medical social worker and police and fire surgeon, are also professional employees. All shall be excluded. While principal auditor and assistant assessor appear to apply advanced knowledge in their work, the duties are more akin to administrative rather than professional work. They shall be included as administrative employees.

employee the essential right of representation should he so desire. Moreover, Section 6 (d) (3) allows the Commission to include craft and noncraft employees in the same unit where "dictated. . by . . special circumstances." The Hearing Officer finds that the circumstances involved herein present such "special circumstances." Accordingly, the chief electrician shall be included in the unit of blue collar employees, that being the group for which his interests exhibit the greatest affinity.

(c) Inspectors: Employed in the several departments of the municipality having regulatory functions which require examination of conditions, report of remedial action, and follow up observations, are the various classifications of inspectors, e. g., building, housing, sanitary, sanitation, industrial water meter, license, plumbing, public works, sidewalk, street lighting, and non-industrial water meter. Certain of the inspector classifications reveal the framework within which inspectors in general perform their duties. Thus the water meter reader and inspector travels to buildings and reads and records water meter readings on forms; notes any tampering; inspects water meters to determine if they are operating efficiently and for leakage; inspects for leaks in water service line; serves written notice of necessary repairs to be made; inspects installations of meters and lines in accordance with requirements of law, etc. At industrial sites, in particular, the inspector must lift heavy lids and descend into pits to get at meters. However, he does not use tools or make repairs; nor does he wear coveralls. The requirements for the job include ability to read and write English; one year of experience in water service inspection or in plumbing; and an ability to explain

^{7/} As the public works inspector is a confidential employee, he is excluded for that reason.

water meters to customers and receive complaints, take appropriate action, and prepare suitable reports. The sanitation inspector patrols assigned sections of the municipality, noting refuse collection, debris, container size and handling; receives complaints of property owners and takes prompt remedial action; and prepares suitable reports. The requirements for the job include ability to read and write English; knowledge of garbage collection methods; handle complaints tactfully; analyze relevant municipal ordinances and apply them to specific cases; and keep needed records. The housing inspector inspects buildings for violations of applicable housing requirements; confers with property owners relative to service of notice and violations; reinspects after completion of repairs to ascertain compliance with regulations; presents inspection findings in court cases. The requirements are high school or equivalent and one year of experience in building line with college credits as substitute; knowledge of building ordinances, zoning requirements, etc.; ability to deal effectively with the public; prepare written findings and recommendations.

Teamsters would exclude inspectors from the blue collar unit. Council 10 would include inspectors in the overall white and blue collar unit. It is clear from the foregoing that inspectors utilize mental skills in observation and analysis of conditions requiring corrective action; apply a knowledge of municipal and other regulations; make out reports of substance that may become part of legal proceedings; and deal regularly with the public in an informational, educational and enforcement seeking fashion. Though they work in the field, the inspectors are not involved in manual labor however unpleasant the surroundings may sometimes be. Nor do they shed ordinary business attire. They report to City Hall where their supervision is located. Accordingly, inspectors come within the category of

administrative employees primarily concerned with the process of implementation of municipal regulations. As such they properly fall within the white collar unit that may be established in this proceeding.

(d) Confidential employees: Employees whose positions would make them privy to salary and working conditions information of importance in the formulation and administration of labor policy by the City, shall be excluded from any unit or units determined to be appropriate herein as confidential. In agreement with the parties, the following classifications are excluded for that reason: confidential secretary to the Mayor, confidential secretary to the Director of Public Safety, administrative secretary to the office of the Mayor, and administrative secretary to the Business Administrator. Public works inspector is also found to be a confidential employee in view of the investigating and reporting duties assigned to the position by the Director of Public Works in connection with employee disciplinary and other personnel procedures in that department.

(e) Supervisory: It is the contention of Council 10 that employees designated by title as superintendents or supervisors, assistant superintendents, and foremen, are not supervisors within the meaning of the Act and therefore should be included in the bargaining units. In substance, the City takes the same position. Teamsters, on the other hand, maintain that such employees are supervisor under the Act and therefore should be excluded. Teamsters argue further that even if there be no indicia in the Act's terms of "any supervisor having the power to hire, discharge, discipline, or to effectively recommend the same", the status of supervisor remains because of assigning and directing work, authorizing time off, handling grievances, and attending division meetings, which factors negate the existence of a community of interest with rank and file employees.

According to the testimony of Business Administrator Dorris, whose office is above that of the several department heads, he, Dorris, makes the final determination as to hire while discharge necessitates the final permission of the Mayor subject to Civil Service rules. In the process of hire and discharge, recommendations are made to the Business Administrator by the department heads who in turn have received recommendations from the superintendents under them. According to Dorris, the superintendent is required to obtain the approval of his department head on each disciplinary matter before action may ensue.

Director of the Department of Public Works, Erichetti, testified that superintendents assign and supervise the work on a day to day basis through foremen; that in cases where he feels a discharge is indicated, he, Erichetti, recommends to the Business Administrator that a hearing be held, who in turn recommends a hearing to the Mayor. Erichetti testified further that a superintendent such as diBartolomeo (Water) is not authorized to suspend by way of disciplining an employee but may recommend up to five days suspension to Erichetti who evaluates the recommendation after calling in the employee and getting his story. Erichetti acknowledged that a foreman may send a man home in the case of drunkenness but added that the employee consented to being sent home. According to Erichetti, a foreman may not send a man home other than in cases of drunkenness, and then for not more than one day, without clearing with Erichetti in advance. However, Erichetti did not deny that suspension letters in evidence indicate that foremen and superintendents may suspend employees for more than one day and up to three days and for causes in addition to drunkenness, e. g., insubordination, inefficiency and neglect of duty and without having to obtain the prior approval of the director, Erichetti. The latter sought to explain by stating that in any case the director may revoke the suspension and order restitution of the pay loss.

In some cases the suspension of one day may be taken by a superintendent or a foreman at the work level without coming to the director's attention. And the foreman or the superintendent may or may not recommend disciplinary action depending on how he sizes up the case; if the foreman does not take action, the matter would end there.

Witnesses on behalf of Teamsters, employees Davis, Nock, and Austin testified that as mechanic and truck drivers in the Department of Public Works, they were disciplined by foremen and by superintendents for insubordination and given suspensions of up to three days. Teamster Business Agent Jackson testified that he took up suspension cases at the superintendent level and was able to obtain effective restitution at that level.

Superintendent of Water, diBartolomeo, testified that he has foremen and employees brought before him in disciplinary matters to hear both sides following which he, diBartolomeo, makes his recommendation to the director who has not followed diBartolomeo's recommendations consistently. He has not had cases where his foremen have had to discipline employees; however, he himself has sent a man home for drunkenness. The foremen work along with their men and during part of the day they are in sole charge of their gangs while diBartolomeo is at City Hall.

With regard to promotions without Civil Service examination, the foreman recommends to his superintendent who in turn recommends to the director who evaluates the recommendations for decision. Erichetti also utilizes an investigatory report of the public works inspector in this context as well as in disciplinary matters that come before him. On the other hand, when hiring mechanics, the prospective employee is sent to the garage for interview and evaluation by

the superintendent as to the man's ability to do the job; actual hire will be formalized by Erichetti but on the recommendation of the superintendent which is effective pending an examination. DiBartolomeo indicated that he may give an opinion as to a man's qualifications after 90 days on the job. However, simply by not making a recommendation one way or the other, the employee is automatically permitted to become permanent. DiBartolomeo obtained the upgrading of his men to a higher labor classification on his recommendation alone.

Conclusory findings as to Department of Public Works: As heretofore set forth, the testimony is substantial in support of a finding that in the area of discipline both superintendents and foremen possess the authority and in fact exercise the authority to suspend employees for misconduct such as drunkenness and insubordination. Whether or not employees consent to being sent home as in the circumstance of drunkenness on the job is irrelevant for the decision is the foreman's or the superintendent's to make in any case. The employee may recognize that he is in the wrong but he is sent home by the action of his superior which action is not dependent for its effectiveness on the acquiescence of the offending individual. Moreover, the circumstance that the director may alter or set aside the disciplinary measure is merely illustrative of the consequence of an appeal which may operate to affirm, deny, mitigate or set aside the charge and penalty. At minimum the penalty assessed by the foreman or the superintendent or both remains in effect subject to possible change. And, as the record shows, there are occasions when the discipline is meted out at the working level with finality, the matter never getting beyond the foreman or the superintendent. As to the foremen under the water superintendent, I find that they too possess the same disciplinary authority in view of the circumstances that they come under the same

Department head, work in sole charge of their gang during part of the day, and are potentially subject to involvement in the same type of face to face, immediate need for exercising disciplinary authority when confronted with inebriated or recalcitrant employees. They, the foremen, simply have not had occasion to exercise such authority as yet. Furthermore, I find that the superintendent makes effective recommendation with regard to the hire of mechanics pending an examination, an area where the superintendent's intimate knowledge of the work requirements comes into play. And, it is clear, that a superintendent may effectuate the permanent status of an employee after the 90 day probationary period has run its course as well as obtain the upgrading of the men under him.

Because the record reveals that in the Department of Public Works the superintendents have the power to hire and discipline or to effectively recommend on such matters and that the foremen have the power to discipline or to effectively recommend on such matters, they shall be excluded as supervisors from any unit or units which may be found to be appropriate herein.^{8/}

Reverend Nimmo, Director, Department of Health, Recreation and Welfare testified that though there have not been occasions for discharge, there have been instances of suspension of employees for not carrying out the orders of a foreman. The procedure calls for a departmental hearing at which the foreman and the employee charged are brought before the director of the department who conducts the hearing. Final decision is made by the director subject to the ruling of the business administrator and the Mayor. Nimmo testified further that there have been no occasions when he has overlooked or disregarded the recommendation of the foreman.

^{8/} I find that the chief clerk in the Department of Public Works lacks supervisory indicia and shall include that employee in the white collar group.

In elaborating on this testimony, Nimmo indicated that the foreman and the employee are given an opportunity to present their positions without prejudgment and that before decision the matter is taken up with the business administrator. In hiring new personnel, the director makes the request of the business administrator who fills the position with a new hire. In disciplinary matters involving minor infractions and short term suspensions not requiring a hearing, superintendent and foremen may not take action without first talking to the director of the department who will make the decision. No such cases have occurred.

Conclusory findings as to the Department of Health, Recreation and

Welfare: It appears from the foregoing testimony that foremen and superintendent recommend as to disciplinary matters but that their recommendation is not accorded the weight of an effective recommendation. Rather does the recommendation simply serve to initiate the hearing or the independent consideration of the director. Consequently superintendent and foremen in this department may not be regarded as supervisors within the meaning of the Act. Moreover, the Hearing Officer considers Section 7 as containing the definition of supervisor for unit exclusion purposes. Having failed to meet the criteria of supervisor and having the duties of a blue collar employee albeit in a directive capacity, the employees in question shall be included in the blue collar unit which may be determined to be appropriate herein.

Director Harker of the Department of Engineering and Building

Inspections testified that parking meter repairmen are supervised by the Acting Director of the Bureau of Street Signs and Parking Meters while police and fire signal system repairmen are under the Superintendent of the Bureau of Electrical Signals. With regard to disciplinary matters, the director obtains the report of

the bureau heads and makes his personal determination as to the action to be taken in more than two day suspensions, referring discharge cases to the business administrator. The superintendent makes the day to day assignments out of 3rd and Arch there being no foremen and in minor disciplinary suspensions of two days, the director of the department will go on his recommendation. In traffic maintenance there are two foremen who work along with their gangs and who come under the Acting Director of the Bureau of Street Signs. The disciplinary procedures here are the same as to minor infractions as in the other bureau.

Conclusory findings as to the Department of Engineering and Building

Inspections: Inasmuch as the director relies on the recommendation of the superintendent and the acting director in minor disciplinary cases, I find that their recommendations are effective. Accordingly, the Superintendent of the Bureau of Electrical Signals and the Acting Director of the Bureau of Street Signs and Parking Meters are excluded from the bargaining unit of blue collar employees which may be appropriate herein. The foremen do not appear to possess or exercise such authority and are therefore included.

City Treasurer Quattrochi testified as to the Office of Tax Collections (Central Cashier, Data Processing, Tax Lien and Clerical) over which he holds the permanent position of Supervisor of Revenue Collections in the Department of Administration and Finance. In cases of disciplinary action, the supervisor takes the matter up with the treasurer who speaks to the employee involved, makes the documentation of the incident, presents it to the business administrator (department director) who holds a further hearing and makes the final determination of suspension or discharge (subject to the Mayor). In cases involving charges of insubordination brought to the supervisor by the chief clerk under him, the

supervisor hears accuser and accused and dismisses the charge if he feels such dismissal warranted. In the latter situation there would be no further step to the treasurer, etc. In connection with hiring in the absence of a Civil Service list, the supervisor interviews applicants and makes a recommendation and the director then conducts a secondary interview which has "coincided" in result with the supervisor's recommendation. The chief clerk is responsible for making assignments of work to various section heads who in turn make further assignments.

Conclusory findings as to the Department of Administration and Finance:

The Supervisor of Revenue Collections exercises judgment independently of his superiors in determining whether or not to proceed beyond his level where charges are brought against an employee involving possible disciplinary action. He may dismiss such charges and thereby terminate the procedure. As such his action constitutes effective involvement in disciplinary matters in that a decision is made by the supervisor, i. e., no discipline is warranted. It is quite apparent that the power to discipline or to effectively recommend discipline implies the power to reject discipline or to effectively recommend the dropping of charges. Moreover the Hearing Officer is convinced and finds that in hiring without a Civil Service list, the recommendation of the supervisor following interview is an effective recommendation, i. e., that it carries sufficient weight with the director to be more than mere "coincidence" and that the director's subsequent interview in such matters is a formality. In view therefore of the authority of the Supervisor of Revenue Collections to hire and discipline or to effectively recommend on such matters, this employee shall be excluded as a supervisor from the unit of white collar employees that may be found appropriate herein. The chief clerk is nonsupervisory and included in the white collar unit as are the various

section leads.

RECOMMENDATIONS

Upon the foregoing findings and conclusions, the Hearing Officer recommends that the following voting groups ^{9/} be found to be appropriate:

Group 1 - All blue collar employees of the City of Camden including senior parking lot attendants, laborers, laborers (medium), laborers (heavy), laborers (heavy), Refuse Division, laborers (light), laborers (driver), building service workers, building service workers (part time), recreation maintenance men, recreation maintenance repairmen, park maintenance men, senior park maintenance men, traffic maintenance men, building maintenance workers, senior building maintenance workers, watchmen, park guards, watchmen (part time), maintenance repairmen, senior maintenance repairmen, maintenance repairmen (painter), parking meter repairmen, mechanical repairmen, welders, garage attendants, truck drivers, truck drivers, Refuse Division, heavy equipment operators, equipment operators (sweeper), equipment operators, broommakers, asphalt workers, asphalt rakers, exterminators, police & fire signal system repairmen, electrician's helper, water repairmen, senior water repairmen, water meter repairmen, pumping station attendants, pumping station operators, pumping station repairmen, chief sewage plant operator, chief sewage plant repairman, sewage plant operators, senior sewage plant operators, sewage plant repairmen, senior sewage plant repairmen, storekeepers, chief electrician (sewerage electrician), foremen and superintendents in the Department of Health, Recreation and Welfare, foremen in the Department of Engineering and Building Inspections, but excluding all white collar clerical, administrative and technical employees, craft employees, ^{10/}

^{9/} Active titles are included though not presently occupied. Chief machinist is excluded as inactive.

^{10/} Except as heretofore found (chief electrician).

professional employees, inspectors, confidential employees, foremen, assistant superintendents, superintendents and supervisor of motors in the Department of Public Works, assistant superintendent and superintendent (Bureau of Signals), acting director (Bureau of Street Signs and Parking Meters), and all other supervisors as defined in the Act, police and firemen, officers and employees in the unclassified service and managerial executives.

11/ Group 2 - All white collar clerical, administrative and technical^{*/} employees of the City of Camden, including inspectors^{12/}, but excluding all blue collar employees, craft employees, professional employees^{13/}, confidential employees^{14/}, supervisor of collection of revenue and all supervisors as defined in the Act^{15/}, police and firemen, all employees on temporarily funded projects, officers and employees in the unclassified service and managerial executives.

^{*/} Included as technical rather than excluded as professional are the chief medical technologist and the medical technologist.

11/ Account Clerk, Addressograph Machine Operator, Administrative Analyst, Administrative Clerk and Registrar of Vital Statistics, Administrative Clerk, Board of Adjustment, Administrative Clerk, Business Administrator, Administrative Secretary, Department of Engineering and Building Inspections, Administrative Secretary, Department of Health, Housing and Welfare, Administrative Secretary, Department of Public Works, Assessing Clerk, Assessing Draftsman, Assistant Assessor, Assistant Municipal Comptroller, Assistant Municipal Superintendent of Weights & Measures, Assistant Supervisor of Data Processing, Assistant Supervisor of Water Collections, Assistant Supervising School Traffic Guard, Assistant Violations Clerk, Bookkeeping Machine Operator, Cashier, Chapel Attendant, Chief Assistant Assessor, Chief Clerk, Department of Public Works, Chief Clerk, Department of Law, Chief Clerk, Tax Office, Chief Medical Technologist, Chief Parking Violations Officer, Clerk, Clerk Driver, Clerk Stenographer,

Clerk to Chief Engineer of Uniform Fire Division, Clerk Typist, Cost Estimator -
Property Improvement, Court Interpreter, Deputy City Clerk, Deputy Municipal
Court Clerk, Engineering Aide, Engineering Draftsman, Field Representative
Disease Control, Field Representative - Property Improvement, Head Account Clerk -
Department of Health, Housing and Welfare, Head Clerk Stenographer, Head Clerk,
Head Clerk Bookkeeper, Housing Supervisor, Interpreter - Spanish, Interpreter -
Spanish, Investigator, Alcoholic Beverage Control, Investigator, Health Depart-
ment, Investigator, Public Works, Juvenile Aide, Key Punch Operator, Laboratory
Assistant, Laboratory Technician Sewage Plant, Legal Stenographer, Medical
Technologist, Municipal Court Attendant, Municipal Court Clerk, Municipal
Superintendent of Weights and Measures, Parking Meter Collector, Parking Viola-
tions Officer, Payroll Supervisor, Plan Examiner, Police & Fire Alarm Operator,
Principal Account Clerk, Principal Addressograph Machine
Operator, Principal Auditor, Principal Bookkeeping Machine Operator, Principal
Clerk, Principal Clerk Bookkeeper, Principal Clerk Stenographer,
Principal Engineering Aide, Principal Engineering Clerk, Principal Engineering
Draftsman, Principal Key Punch Machine Operator, Principal Planner, Principal
Planning Draftsman, Principal Tax Clerk, Process Server, Public Relations Officer -
Part Time, Radio Dispatcher - Department of Public Works, Receptionist - Complaints
Receptionist, Registrar of Vital Statistics - Part Time, School Traffic Guard,
Secretary to Housing Project Director, Secretary - On the Job Training, Senior
Account Clerk, Senior Cost Estimator - Property Improvement, Senior Assessing
Clerk, Senior Assistant Assessor, Senior Auditor, Senior Bookkeeping Machine
Operator, Senior Cashier, Senior Clerk, Senior Clerk Stenographer, Senior Clerk
Typist, Senior Engineering Aide, Senior Key Punch Operator, Senior Laboratory
Technician, Sewage Plant, Senior Legal Stenographer, Tax Title Lien, Senior
Legal Stenographer, Senior Legal Stenographer, Contracts, Senior Parking Meter
Collector, Senior Permit Clerk, Senior Planner, Senior Planning Aide,

Senior Tabulating, Machine Operator, Senior Tax Clerk, Supervising Field Representative - Property Improvement, Supervisor of Recreation, Supervising School Crossing Guard, Supervisor of Tax Sales, Supervisor of Water Collections, Tabulating Machine Operator, Tax Searcher, Telephone Operator, Tenant Housing Advisor, Title Searcher, Violations Clerk, Welfare Interviewer and Investigator, Welfare Supervisor, Senior Timekeeper, Stock Clerk, Street Sweeper Violations Officer, Timekeeper.

12/Air Pollution Inspector, Assistant Building Inspector, Assistant Chief Housing Inspector, Building Inspector, Building Inspection Aide, Chief Housing Inspector, Chief Sanitary Inspector, Chief Sanitation Inspector, Housing Inspector, Industrial Water Meter Reader & Inspector, License Inspector, Plumbing Inspector, Sanitary Inspector, Sanitary Inspector Trainee, Senior Plumbing Inspector, Sidewalk Inspector, Street Lighting Inspector, Water Meter Reader and Inspector, Sanitation Inspector.

13/Assistant Engineer, Assistant Engineer (Mechanical), Assistant Municipal Engineer, Assistant Public Health Nurse Supervisor, Attorney Civil Rights Commission - Part Time, Environmental Health Co-ordinator, Health Educator, Health Officer, Medical Social Worker, Municipal Engineer, Planning Director, Police & Fire Surgeon, Public Health Nurse, Public Health Nutritionist, Public Health Nurse Supervisor, Senior Engineer, Senior Public Health Nurse, Specialist - Human Resources Development, Specialist - Manpower & Economic Development.

14/Administrative Secretary, Business Administrator, Administrative Secretary, Department of Public Safety, Administrative Secretary, Office of the Mayor, Public Works Inspector, Confidential Secretary to Mayor.

15/The record permits the inference that the following "supervisor of" titles involve direction and assignment but not the indicia prescribed under the Act: recreation, school crossing guard, tax sales, water collections, welfare, housing, payroll. I so find. These titles are included in the white collar voting group. A fortiori as to assistant supervisors in these titles.

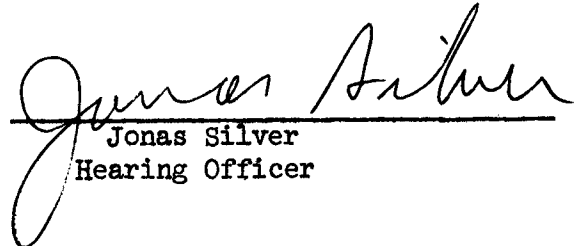
It is further recommended that:

(a) If the employees in Voting Group 1 and Voting Group 2 vote for different employee organizations, if any, appropriate certifications shall issue for Voting Group 1 and for Voting Group 2.

(b) If the employees in Voting Groups 1 and 2 vote for the same employee organization, if any, a single certification shall issue covering all employees described in the above voting groups.

After having determined the desires of the employees as expressed in the elections herein recommended, I find that the appropriate collective negotiations units are those that will result from the certifications which shall issue as set forth above.

Those eligible to vote in each of the voting groups shall vote on whether or not they desire to be represented for the purposes of collective negotiations by Teamsters Local 676; Camden Council No. 10, New Jersey Civil Service Association; or neither.


Jonas Silver
Hearing Officer

DATED: January 6, 1970
North Merrick, N.Y.