

D.R. NO. 91-18

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

In the Matter of

COUNTY OF CAMDEN,

Public Employer,

-and-

Docket No. CU-91-15

CAMDEN COUNCIL NO. 10,

Petitioner.

SYNOPSIS

The Director of Representation clarifies Council 10's blue collar and white collar unit to include the Safety Director/OSHA. No facts suggested that the Safety Director is inappropriate for inclusion in the unit.

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Appearances:

For the Public Employer

Richard J. Dodson, Director of Personnel

For the Petitioner

Tomar, Simonoff, Adourian & O'Brien, attorneys
(Mary L. Crangle, of counsel)

DECISION

On October 18, 1990, Camden Council No. 10 ("Council 10") filed a clarification of unit petition seeking to include the Safety Director/OSHA in its broad-based unit of blue collar and white collar employees employed by the County of Camden ("County").^{1/}

Council 10 represents about 1200 County employees in a unit of blue collar employees and white collar employees and about 100 supervisors in another unit. The "Safety Director," a Department of Personnel title, is included in the recognition clause of the

^{1/} On December 18, 1990, we issued a letter tentatively concluding that the Safety Director/OSHA should be included in Council 10's unit. We also asked for responses. No responses were submitted.

parties' most recent collective negotiations agreement for the larger unit. The County does not dispute that the title is appropriately included in the blue collar employee/white collar employee unit. The title, "under direction, administers a safety control program for the purpose of insuring that all appropriate safety measures are taken..." The Safety Director/OSHA also oversees "right-to-know" responsibilities, labels chemical compounds and instructs all County employees on their rights under the law.

The employee serving in the Safety Director/OSHA title was formerly employed in an unclassified title at a salary significantly higher than the negotiated salary for Safety Director. The County did not "change his salary down to the bargaining unit salary because, given his duties, his position did not warrant such a decrease." The County does not dispute that both the Department of Personnel and recognition clause indentifies the disputed title as "Safety Director."

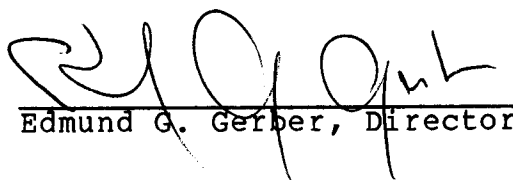
The County argues that the Safety Director/OSHA's specialized job duties justifies its exclusion from both the unit and the salary limits established in the current contract. However, the County presents no facts suggesting that the Safety Director/OSHA is a supervisor or a managerial executive.^{2/} Nor has the County asserted that a conflict of interest exists which requires that the Safety Director/OSHA be excluded from the Council

^{2/} See N.J.S.A. 34:13A-5.3 and N.J.S.A. 34:13A-3.

10 collective negotiations unit. The Safety Director/OSHA, like other Safety Directors employed by the County, is appropriately included in Council 10's blue collar employee/white collar employee unit. The duties asserted to be unique -- overseeing "right-to-know" regulations, for example, do not render the disputed title inappropriate for inclusion in the broad-based unit.

Council 10's blue collar employee/white collar employee unit is clarified to include the Safety Director/OSHA position, effective immediately.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: January 14, 1991
Trenton, New Jersey