

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

In the Matter of

BOROUGH OF PARK RIDGE,

Public Employer,

-and-

DOCKET NO. RO-80-128

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 804,

Petitioner.

SYNOPSIS

The Director of Representation directs an election among all blue collar employees of the Borough of Park Ridge to determine whether they wish to be represented by the Petitioner for the purpose of collective negotiations. Although blue collar and white collar employees are currently represented by an employee representative in two separate units, the Borough asserted that one unit exists "de facto" and that the most appropriate unit is comprised of all white collar and blue collar employees together. The Director rejects the Borough's claim of the "de facto" existence of one unit, and finds that the most appropriate unit is the existing blue collar unit.

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Appearances:

For the Public Employer  
Dorf, Wallace & Glickman, P. A.  
(Gerald L. Dorf of counsel)

For the Petitioner  
Cohen, Weiss & Simon, attorneys  
(Richard N. Gilberg of counsel)

DECISION AND DIRECTION OF ELECTION

On January 21, 1980, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission") by Local 804, International Brotherhood of Teamsters ("Local 804"), seeking to represent certain blue collar workers employed by the Borough of Park Ridge (the "Borough"). <sup>1/</sup>

<sup>1/</sup> Petitioner filed a similar petition on January 4, 1980 (Docket No. RO-80-119), seeking to represent all blue and white collar employees employed by the Borough. On January 30, 1980, Petitioner withdrew that petition.

The Park Ridge Borough Employees Association (the "Association") currently represents one negotiations unit consisting of all white collar employees and one unit consisting of all blue collar employees. By letter dated February 1, 1980, the Association advised the undersigned that it would not intervene in this matter.

The Borough's position is that the most appropriate unit is an overall unit consisting of blue collar and white collar employees.

The undersigned has caused an administrative investigation to be conducted into this matter in order to determine the facts. In the course of the investigation the parties agreed to waive an evidentiary hearing and submitted Stipulations of Fact, attached hereto and made a part hereof. Pursuant to N.J.A.C. 19:11-6.7, the undersigned has accepted the Stipulations of Fact for a decision without a hearing.

On the basis of the record herein, the undersigned finds and determines as follows:

1. The Borough of Park Ridge 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 Petition and is subject to the provisions of the Act.

2. Local 804, International Brotherhood of Teamsters, and Park Ridge Borough Employees Association are employee representatives within the meaning of the Act and are subject to its provisions.

3. Local 804 seeks to represent a collective negotiations unit comprised of blue collar employees of the Borough, excluding school crossing guards, building maintenance workers, senior building maintenance workers and building maintenance foreman. The Association is currently the certified exclusive representative of all blue collar employees; however, the Association has advised the Commission that it does not seek to intervene in this matter.

4. The Borough objects to the Petition claiming that, initially, the Commission must decide the most appropriate unit. Secondly, the Borough claims that the most appropriate unit is a unit comprised of all blue collar and white collar employees since these employees share a community of interest. In addition, the Borough asserts that such a unit already exists "de facto."

4. Accordingly, a Petition for Certification of Public Employee Representative has been filed, a dispute exists, and the instant matter is properly before the undersigned for determination.

6. As noted above, the Association is currently the certified exclusive representative of separate units of blue collar and white collar Borough employees. The Commission's records, administrative notice of which is hereby taken, reveal that on May 27, 1976, a Petition for Certification of Public Employee Representative was filed with the Commission by the Association seeking a combined unit of blue collar and white collar employees. The Borough's initial position in response to the Petition was that four separate collective negotiations units were appropriate; however, the Borough

and the Association thereafter entered into Agreements for Consent Election for two negotiations units: one comprised of blue collar employees, and the other comprised of white collar employees. On August 31, 1976, the Association was certified as the exclusive representative of employees in the blue collar unit and, separately, of employees in the white collar unit.

7. The stipulations herein reveal that, subsequent to certification, the Borough and the Association entered into two separate three-year agreements covering the employees of these units, effective 1977 through 1980. Although there are separate agreements, the Association utilized one bargaining committee during the 1976-1977 negotiations. Further, the Association utilizes one grievance committee comprised of blue and white collar workers to process grievances arising under the contracts.

The two contracts are substantially identical except for provisions dealing with stand-by time, safety equipment, working hours, and wages.

8. Initially, the undersigned observes that the Commission has an obligation to determine the most appropriate unit for employee representation where this issue has been placed in dispute. See In re State of New Jersey and Professional Association of New Jersey Department of Education, 64 N.J. 231 (1974). However, there is no statutory, or decisional basis to mandate that the most appropriate unit is that unit in which the broadest possible community of interest of employees may be ascertained. As noted by the Court, community of interest is one necessary factor of which the Commis-

sion shall take due regard, but other relevant factors must be examined. In the context of the Professional Association petition, which involved the formation of a unit of then unrepresented professional State employees, the Court took note of such other factors as the potential for unit fragmentation and the ability of the employer to effectively manage its labor relations. The Court was mindful that the unit ultimately fashioned "serve the purposes and meet the objectives of the statute (64 N.J., at 256)."

In its decisions as well as in its experience the Commission has adopted a policy favoring broad-based, functional unit structures. See In re County of Burlington, P.E.R.C. No. 58 (1971); In re County of Bergen, P.E.R.C. No. 69. The Commission has found that separate, broad-based units of blue collar employees and white collar employees can be equally appropriate as mixed, broad-based units comprised of blue and white collar employees. See City of Camden, E.D. No. 8 (1970). Most pertinently, the Commission has been extremely reluctant, given the purposes of the Act, to disrupt established broad-based unit structures unless the record demonstrates compelling circumstances. See In re Jefferson Twp. Board of Education, P.E.R.C. No. 61 (1971); In re County of Bergen, P.E.R.C. No. 85 (1975).

With the above decisions in mind, the undersigned concludes that in those situations where there is a history of a collective negotiations relationship, the most appropriate unit is the unit which is constructed along broad-based functional lines and which has demonstrated viability and stability. The purpose of the

Act is best served by preserving the predictability of the existing relationship where it has permitted the employer to exercise its management responsibilities and where employees have been responsibly represented.

The record herein does not support a conclusion that the employer is or would be unable to effectively continue to manage its employment responsibilities unless the current unit structure is changed. Nor does the record support a finding that employees cannot be responsibly and effectively represented unless the current unit structure is changed.

The Borough places great emphasis on the assertion that there is "de facto" a single unit, as negotiations and grievance procedures have been consolidated. The significance attached to this assertion is outweighed, however, by the fact that there are still two contracts and two negotiations units.

9. Lastly, the undersigned notes that Local 804 does not seek to represent certain building maintenance employees <sup>2/</sup> who are currently in the blue collar unit. Local 804 also does not seek to represent school crossing guards. Local 804 has asserted that the parties have agreed to this exclusion. However, the Borough has advised the Commission of its position that the building maintenance workers and crossing guards should remain in the blue collar unit if this unit is found to be the most appropriate unit.

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<sup>2/</sup> These employee classifications are: building maintenance worker, senior building maintenance worker, and building maintenance foreman.

The reasons cited above which mandate the continuance of the existing separate blue collar and white collar unit structure also compel the same result with respect to this dispute. Unless the parties have, in fact, agreed to the removal of the aforementioned titles from the blue collar unit, its composition should not be altered. <sup>3/</sup>

Accordingly, the undersigned finds that the appropriate unit is: all blue collar employees employed by the Borough of Park Ridge, but excluding white collar employees, and managerial executives, confidential employees, craft employees, professional employees, police employees, and supervisors within the meaning of the Act.

Pursuant to N.J.A.C. 19:11-2.6(b)(3), the undersigned directs that an election be conducted among the employees described above. The election shall be conducted no later than thirty (30) days from the date set forth below.

Those eligible to vote are the employees set forth 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 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 resigned or were discharged for cause since the designated payroll period and who have not

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<sup>3/</sup> The school crossing guards and building maintenance workers are included by contract in the blue collar unit.




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 the undersigned and with Local 804, International Brotherhood of Teamsters, an election eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by the undersigned no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously filed with Local 804, International Brotherhood of Teamsters, with statement of service to the undersigned. The undersigned shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

Those eligible to vote shall vote on whether or not they desire to be represented for the purpose of collective negotiations by Local 804, International Brotherhood of Teamsters.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election directed herein shall be conducted in accordance with the provisions of the Commission's rules.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: June 27, 1980  
Trenton, New Jersey