

D.R. NO. 88-20

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

In the Matter of

COUNTY OF BERGEN,

Public Employer,

-and-

LOCAL 29, R.W.D.S.U.,

Petitioner,

-and-

Docket No. RO-88-51

N.J.E.L.U., LOCAL #1,

Intervenor,

-and-

A.F.S.C.M.E., COUNCIL 52,

Intervenor.

Synopsis

The Director of Representation ordered an election to be conducted among the blue collar employees in the County of Bergen as petitioned for by Local 29, RWDSU, pursuant to N.J.A.C. 19:11-2.6(b)(3). The Petitioner and the Intervenor, N.J.E.L.U., Local #1 and A.F.S.C.M.E., Council 52, refused to consent to the election because of an AFL-CIO internal proceeding filed by Local 29 against AFSCME.

The parties stipulated to the construction of the unit and did not object to the conduct of an election. The refusal to consent was based on the parties' positions regarding the AFL-CIO internal proceeding. There being no PERC qualified objections, the Director issued his decision ordering the election. See Twp. of Winslow, D.R. No. 87-8, 12 NJPER 784 (¶17298 1986) and Borough of Point Pleasant Beach, D.R. No. 87-4, 12 NJPER 657 (¶17247 1986).

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Appearances:

For the Public Employer
Susan Federbusch, Esq.

For the Petitioner
Reitman, Parsonnet, Maisel & Duggan, Esqs.
(Jesse H. Strauss, of counsel)

For the Intervenor Local #1
Loccke and Correia, Esqs.
(Manuel A. Correia, of counsel)

For the Intervenor Council 52
Kirschner, Walters & Willig, Esqs.
(Sidney H. Lehmann, of counsel)

DECISION AND DIRECTION OF ELECTION

On October 2, 1987, a timely Petition for Certification of

Public Employee Representative was filed with the Public Employment Relations Commission ("Commission") by Local 29, RWDSU ("Local 29") seeking to represent a collective negotiations unit of all blue-collar employees employed by the County of Bergen ("County"). The petition is supported by an adequate showing of interest. The employees sought in the petition are currently represented by New Jersey Employees Labor Union, Local No. 1, ("Local 1") and are covered by a collective negotiations agreement which expires December 31, 1987. Council 52, American Federation of State, County and Municipal Employees ("AFSCME") intervened in this matter pursuant to N.J.A.C. 19:11-2.7(a). Its intervention is supported by an adequate showing of interest.

On October 29, November 10 and November 18, 1987, informal investigatory conferences were convened by a Commission staff attorney in order to determine the relevant facts. See N.J.A.C. 19:11-2.2 and N.J.A.C. 19:11-2.6. The disposition of this matter is properly based on our administrative investigation. We have not found any substantial and material factual disputes which may more appropriately be resolved through an evidentiary hearing.

The parties do not object to the conduct of an election in this matter. Local 29 declined to sign a Consent Agreement, although it does not object to the Commission conducting an election at this time. All parties have stipulated that the existing unit is appropriate for purposes of collective negotiations. Thus, there is no basis to refrain from the conduct of a secret ballot election. See Twp. of Winslow, D.R. No. 87-8, 12 NJPER 784 (¶17298 1986);

Borough of Point Pleasant Beach, D.R. NO. 87-4, 12 NJPER 657 (¶17247 1986); Twp. of Washington, D.R. No. 86-15, 12 NJPER 226 (¶17093 1986); Borough of Interlaken, D.R. No. 86-9, 12 NJPER 57 (¶17022 1985); Borough of Haddonfield, D.R. No. 83-13, 8 NJPER 588 (¶13273 1982).

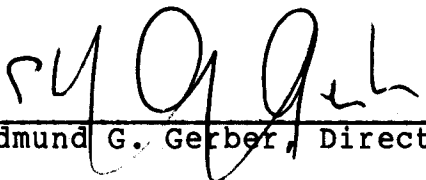
Accordingly, pursuant to N.J.A.C. 19:11-2.6(b)(3), we direct that a secret ballot election be conducted in a unit of all blue collar employees employed by the County, specifically as described in the attached Schedule A.

Those eligible to vote are the employees in the titles as set forth on the attached Schedule A who were employed during the payroll period ending November 17, 1987, including employees who did not work during that period because they were out ill, on vacation, temporarily laid off, or in military service. Employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date are ineligible to vote. We direct the County to simultaneously file with us and with all other parties, an eligibility list consisting of an alphabetical listing of the names of all eligible voters together with their last known mailing addresses and job titles, pursuant to N.J.A.C. 19:11-9.6. The County shall also file with us an accompanying proof of service. All of the parties and the Commission must receive the eligibility list no later than ten (10) days prior to the date of the election. We 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 they desire to be represented for the purpose of collective negotiations by Local 29 RWDSU or NJELU Local #1 or AFSCME Council 52 or no employee organization.

The exclusive representative, if any, shall be determined by the majority of valid ballots cast by the employees voting in the election. The election shall be conducted in accordance with the Commission's rules and shall take place on January 14, 1988. Appropriate notices shall follow containing the designated polling areas and times for voting at each polling site.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: December 15, 1987
Trenton, New Jersey

INCLUDED: All blue collar employees employed by the county of Bergen including foremen and employees in the following Departments: General Services, Sheriff's Office, County Police Department, Department of Public Works, Mosquito Commission, Public Safety Education, County Jail, Child Welfare Department and Animal Shelter Department. The unit shall also specifically include the Juvenile Detention Officer, Senior Juvenile Detention Officer, Children's Supervisor, Adult Day Care Worker, Principal Engineering Aide, Principal Engineering Aide and Construction Inspector, Storekeeper, Senior Storekeeper, Communications Technician, Chief Stationary Engineer, Agency Aide and Chauffeur and all regularly employed part-time employees holding titles which are included in the unit whether they work more or less than twenty (20) hours per week. Inclusive of the following titles:

Adult Day Care Center Worker
Adult Day Care Worker
Agency Aide
Animal Attendant
Animal Control Officer
Animal Health Technician
Armorer
Asphalt Raker
Asphalt Worker
Asst. Animal Control Officer
Asst. Chief Stationary Engineer
Asst. Chief Inspector
Asst. chief Inspector Mosq. Exterm.
Asst. Maint. Repair Foreman
Asst. Road Foreman
Asst. Suprv. Traffic Maint.
Blacksmith
Blacksmith Foreman M/W
Bldg. Maint. Worker
*1-Bldg. Superintendent
*2-Boiler Operator
Bridge Attendant
Bridge Operator
Bldg. Maint. Worker
Blg. Maint. Worker P/T
Bldg. Service Worker
Carpenter
Chauffeur
Chief Bridge Operator
Chief Chauffeur
Chief Stationary Engineer
Childrens Supervisor
Communications Operator
Construction Inspector
Cook

Cook Penal Institution
Dredge Mate
Dredge Mechanic
Dredge Operator
Electrician
**Electrician Foreman M/W
Elevator Operator
Engineering Aide
Equipment Foreman
Equipment Operator
Extradition Clerk & Italian Interpreter
Food Service Worker
Garage Attendant
Gardener
General Suprv. Traffic Maint.
Groundskeeper
Head Cook
Hearing & Air Conditioning Operator
Heavy Equip. Operator
Heavy Equip. Operator Mosq. Exterm. Comm.
Inspector Mosq. Exterm. Comm.
Inspector
Inspector Road Openings
Investigator, Public Works
Inst. Laundry Trade Inst.
Juvenile Detention Officer
Laborer
Laborer, Sanitary Landfill
Laundry Worker
Locksmith
Mason & Plasterer
*3-Mechanic
Mechanical Stores Clerk
Mechanics Helper
Mosq. Identif. Specialist
Motor Vehicle Operator Eld/Handcp
Maintenance Repairer
Maint. Repairer Carpenter
Maint. Repairer Electrician
Maint. Repairer Foreman
Maint. Repairer General Foreman
Maint. Repairer Low Pressure License
Maint. Repairer Mason & Plasterer
Maint. Repairer Refrig. & Air Cond.
Maint. Repairer Roads & Bridges
Maint. Repairer - Foreman - Roads & Bridges
Maint. Repairer - Plumber
Morgue Attendant
Painter
Parking Attendant

Plumber
Police Radio Dispatcher
Prin. Engineering Aide/Constr. Inspector
Radio Technician
Recreation Aide
Refrigeration Mechanic
Road Inspector
Security Guard
Senior Childrens Superv.
Senior Gardener
Senior Groundskeeper
Senior Maint. Repairer Painter
Senior Maint. Repairer Roads & Bridges
Senior Road Inspector
Senior Security Guard
Senior Storekeeper
Sewer Equip. Operator
Sewer Maint. Foreman
Sign Des. Proc. Letterer
Sign Design Proc. Letterer Foreman
Sign Maker
Social Worker Drug ABuse
*4-Suprv. Heavy Equip. Operator
*5-Supervising Mechanic
Supervisor Bldg. Services
*6-Supervisor Carpenter
*7-Supervisor Food Services
*8-Supervisor Landscape
*9-Supervisor Painter
*10-Supervisor Plumbing
*11-Supervisor Roads
*12-Supervisor Traffic Mntnce
Senior Animal Attendant
Senior Building Maintenance Worker
Senior Blacksmith
Senior Building Service Worker
Senior Bridge Operator
Senior Communications Technician
Senior Cook
Senior Cook Peval Institution
Senior Engineering Aide
Senior Inspector Mosq. Exterm. Comm.
Senior Inspector Road Openings
Senior Juvenile Detention Officer
Senior Mechanic
Senior Mechanic Diesel
Senior Motor Veh. Oper. Eld/Handcp
Senior Mntnce Repairer Elect
Senior Mntnce Repairer
Senior Mntnce Repairer Carpenter

Senior Mntnce Repairer Mason/Plasterer
Senior Mntnce Repairer Plumbing/Stm
Senior Mntnce Repairer Ref & A/C
Senior Traffic Mntnce Worker
Senior Tree Climber
Stock Clerk
Storekeeper
Storekeeper Automative
Telephone Techn
Tire Service Repairer
Traffic Counter Mach. Operator
Traffic Enumerator
Traffic Mntnce Worker
Traffic Signal Foreman
Traffic Signal Repairer
Traffic Signal Supt.
Tree Climber
Tree Trimmer
Truck Driver
*13-Yard Suprvrs (changed for Yard Foreman)
Yard Worker
Youth Aide

- *1 - Changed from Building Service Supervisor
- *2 - Changed from Stationary Fireman
- *3 - Changed from Auto Mechanic
- *4 - Changed from Heavy Eqpt. Operator Foreman
- *5 - Changed from Mechanic Foreman
- *6 - Changed from Carpenter Foreman
- *7 - Changed from Food Service Foreman
- *8 - Changed from Landscape Foreman
- *9 - Changed from Painter Foreman
- *10 - Changed from Plumber Foreman
- *11 - Changed from Road Foreman
- *12 - Changed from Traffic Mntnce Foreman
- *13 - Changed from Yard Foreman

**Changed to: Supervising Electrician

EXCLUDED: All white collar employees; and, all managerial, confidential, police and supervisory employees within the meaning of the Act; all seasonal, temporary and per diem employees; and all employees in the Sanitary Landfill Department and all employees of Bergen Pines Hospital. The following titles are specifically excluded: Youth Group Worker, Senior Youth Group Worker, Recovery Assistant (Detox), Senior Recovery Assistant (Detox), Supervising Recovery Assistant, Senior Construction Inspector, Senior Stock Clerk, Photographer, Communications Officer, Alcoholism Counselor, Graduate Nurse, Graduate Nurse Narcotics, Graduate Nurse Penal Institution, Supervisor of Nurses, Teacher, Teacher Juvenile Facilities, Recreation Program Administrator and all other County employees.