

D.R. NO. 87-24

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

In the Matter of

WINSLOW TOWNSHIP

Public Employer,

-and-

DOCKET NO. RO-87-96

IBTCWHA, TEAMSTERS LOCAL 676,

Petitioner.

WINSLOW TOWNSHIP,

Public Employer,

-and-

DOCKET NO. RO-87-117

CAMDEN COUNCIL NO. 10, NJCSA,

Petitioner.

SYNOPSIS

Two Petitions for Certification of Public Employee Representative were filed for certain employees employed by Winslow Township. The first petition was filed by Teamsters Local 676 seeking to represent all police dispatchers. The second petition was filed by Camden Council No. 10, NJCSA seeking to represent all full-time and regular part-time white and blue collar employees. The Director of Representation dismissed Teamsters Local 676 petition on the basis that the petition sought an inappropriate unit. The Director found that a broad-based unit of white and blue collar employees is the most appropriate unit. Accordingly, since no legitimate objection to the conduct of an election was raised by the Township, the Director directed an election in the unit sought by Council No. 10.

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For the Public Employer
Ronald C. Nunnenkamp
Township Clerk/Administrator

For the Petitioner - Teamsters Local 676
Walter Bednarczyk, Business Agent

For the Petitioner - Camden Council No. 10
Tomar, Seliger, Simonoff, Adourian & O'Brien, Esqs.
(Mary L. Crangle, of counsel)

DECISION AND DIRECTION OF ELECTION

On November 14, 1986, Teamsters Local Union 676

("Teamsters") filed a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, with the Public Employment Relations Commission ("Commission") seeking to

represent all police dispatchers employed by the Township of Winslow Police Department ("Township"). The six (6) Police Dispatchers in the petitioned-for unit are currently unrepresented.

In response to the Teamsters petition, the Township asserts that a separate unit of dispatchers is inappropriate. The Township maintains that a broad-based unit would be more appropriate than the unit proposed by the Teamsters petition. On December 2, 1986, a Commission staff attorney conducted an informal conference with Teamsters Union Local 672 and the Township.

On January 14, 1987, Camden Council No. 10, NJCSA ("Council No. 10") filed a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, with the Commission seeking to represent all full-time and regular part-time white and blue collar employees employed by Winslow Township.

On January 30, 1987, an informal investigatory conference was held by a Commission staff attorney with Council 10 and the Township in order to determine the relevant facts pertaining to Council No. 10's petition. See, N.J.A.C. 19:11-2.2 and N.J.A.C. 19:11-2.6.

None of the employees that are the subject of these two petitions have ever been previously organized and there is no contract to bar an election.

On the basis of the information gathered at the informal conferences, we advised the parties that we were inclined to direct

an election on the Petition for Certification of Public Employee Representative filed by Council No. 10 which seeks a broad-based unit of all white and blue collar employees and dismiss the petition filed by the Teamsters. We invited the parties to bring to our attention any additional material facts or arguments and submit other documentary or evidentiary materials. We provided the parties with a time frame within which to make such submission, however, neither party filed a response. Consequently, the disposition of both the Teamsters' and Council No. 10's petitions is properly based on our administrative investigation. We have not found any substantial and material factual disputes which are more appropriately resolved through an evidentiary hearing. See, N.J.A.C. 19:11-2.6(b).

The administrative investigation conducted regarding the Teamsters' petition found the following facts:

Police dispatchers work eight (8) hours per day in around-the-clock shifts with no lunch breaks. Generally, their work week consists of 40-48 hours per week, distributed over seven (7) days, including holidays. Any unscheduled time off granted to Township employees (e.g, release due to inclement weather) is not extended to the dispatchers. Their job functions include activity as receptionists for people entering the Police Department; receiving general and emergency calls; dispatching vehicles; recording police activities; maintaining knowledge of the locations of police officers and operating the computer base. The dispatchers

receive a uniform allowance and are supervised by the head of their department, the Chief of Police. Prior to employment, the dispatchers are subjected to a background check in order to operate certain information-gathering computers.

The physical worksite of the dispatchers is located in the Township's Police Headquarters in a separate, restricted "Communications Area", which is accessible only through locked doors controlled by the dispatchers. Police Headquarters is part of the municipal building. Also working in another section of the Police Department are approximately eight (8) other white collar employees serving in the titles of police clerk, clerk/typists, office manager (the Police Chief's secretary), animal control officer and litter patrol officer. Such white collar employees are also supervised by the Chief of Police and work a regular Monday through Friday, 8:30-4:30, 35-hour work week.

The remainder of the white collar employees work in the main part of the municipal building. These positions are spread throughout various municipal departments including water, sewer, courts and construction. The white collar employees are supervised by the head of the particular department in which they work. Their work schedule is 8:30 a.m. until 4:30 p.m., Monday through Friday, 35 hours per week, including a one hour unpaid lunch period and two fifteen minute paid breaks. All white collar employees of the Township, except police dispatchers, share a common break room and hallways in the Municipal Building.

On the basis of the facts pertaining to employees serving as dispatchers, we find that the petitioned-for unit is not appropriate and that the most appropriate unit would be a more broad-based unit of Township employees. It is well-settled that Commission policy favors broad-based units. State of New Jersey and Professional Association of New Jersey, 64 N.J. 231 (1974). While in the instant case, there are certain differences in the conditions of employment applicable to dispatchers as compared to other Township employees, nevertheless, we find that a strong community of interest between such employees exists. All of these employees work in the same building and perform similar, administrative-type tasks. The fact that dispatchers work different schedules from those of other employees, is not sufficient to overcome the strong Commission policy favoring broad-based units. Accordingly, based upon the record before us now, we find that a unit of all blue and white collar employees would be more appropriate than the unit described by the Teamsters' petition. The Teamsters' Petition for Certification of Public Employee Representative (Docket No. RO-87-96) is dismissed.

With regard to the Council No. 10 petition, the following facts were ascertained during the informal investigatory conference. The Township has recently taken action so as to be covered under Civil Service law, rules and regulations. Consequently, a review of all Township job titles is currently being performed by the Department of Personnel in order to formally

classify the Township's jobs into official Civil Service job titles.^{1/} Notwithstanding the ongoing Department of Personnel review, the Township and Council No. 10 reached a basic agreement on the composition of a collective negotiations unit comprised of all full-time and regular part-time non-supervisory blue and white collar employees.

During the January 30, 1987 conference, the Township raised no substantial dispute concerning the composition of the petitioned-for unit which would warrant delaying the conduct of an election. However, the Township advised that it is its regular policy and practice not to enter into an Agreement for Consent Election but rather adhere to subsequent rulings issued by the Commission. Therefore, since Council No. 10's petition raises a valid question concerning representation and describes the most appropriate unit, we direct an election pursuant to the petition filed by Council No. 10 (Docket No. RO-87-117). See, Township 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); Township

^{1/} In light of the ongoing review of Township jobs by the Department of Personnel, Council No. 10 and the Township recognize that there will likely be clarification of job duties and changes in job titles from that which presently exists. Consequently, the parties agree that subsequent to the Department of Personnel job classification review, it may be appropriate to review Township titles in order to ascertain the propriety of their inclusion or exclusion from the collective negotiations unit, should one come in existence as the result of Council No. 10's petition.

of Washington, D.R. No. 86-15, 12 NJPER 226 (¶17093 1986); Borough of Interlaken, D.R. No. 86-9, 12 NJPER 7 (¶17022 1985); Borough of Haddonfield, D.R. No. 83-13, 8 NJPER 588 (¶13273 1982).

Accordingly, I direct that an election be conducted in the unit described as follows:

All full-time and regular part-time white and blue collar employees employed by Winslow Township, including employees serving in the following titles: Animal Control Officer, Assistant Control Person, Cement Finish Masonary, Clerk Dispatcher, Clerk Typist A, Clerk Typist B, Clerk Typist C, Clerk Typist D,^{2/} Clerk Typist Dispatcher, Confidential Secretary,^{3/} Construction/Sanitation Worker, Control Person,^{4/} Data Processing Coordinator, Deputy Court and Violations Clerk,^{5/} Equipment Operator A, Equipment Operator C, Field Assessor A, Fire Overseers Clerk, Heavy Driver, Laborer Helper, Litter Partol Officer, Maintenance and Equipment

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- ^{2/} Theresa Tullner shall be eligible to vote a challenge ballot on the basis of a dispute regarding whether she is a confidential employee within the meaning of the Act.
- ^{3/} Employees serving in this title shall be eligible to vote challenge ballots on the basis of a dispute regarding whether such employees are confidential within the meaning of the Act.
- ^{4/} Arlene Fortunato shall be eligible to vote a challenge ballot on the basis of a dispute regarding whether she is a supervisor within the meaning of the Act.
- ^{5/} Employees serving in this title shall be eligible to vote a challenge ballot on the basis of a dispute regarding whether the employees are supervisors within the meaning of the Act.

Operator, Mechanic A, Mechanic C, Office Manager,^{6/} Operator A, Operator B, Operator C, Planning and Zoning Board Clerk, Principal Assessing Clerk, School Crossing Guard, Secretary to the Board of Health, Senior Accounts Payable Clerk, Senior Clerk Typist A, Senior Parts Clerk, Senior Payroll Clerk, Senior Receptionist, Sign Maker/Construction/Sanitation, Skilled Laborer, Truck Driver and Light Equipment, Welder/Mechanic, Welfare Director,^{7/} Work Leader, Work Leader/with License.

Excluded are all managerial executives, confidential, professional, supervisory, police, and craft employees within the meaning of the Act, and all other employees currently included in any other collective negotiations unit.

The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote are the employees in the unit 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, on vacation or temporarily laid off, including those in the military service. Employees must appear in person at the polls in

^{6/} Barbara Digney shall be eligible to vote a challenge ballot on the basis of a dispute regarding whether she is a confidential employee within the meaning of the Act

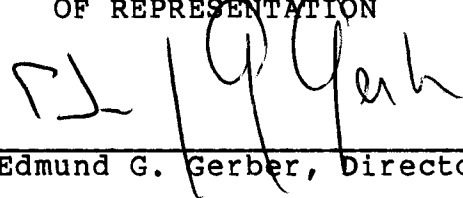
^{7/} The employee serving in this title shall be eligible to vote a challenge ballot on the basis of a dispute regarding whether the employee is a managerial executive within the meaning of the Act.

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

The exclusive representative, if any, shall be determined by a majority of the valid votes cast in the election. The election shall be conducted in accordance with the Commission's rules.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: March 2, 1987
Trenton, New Jersey