

D.R. NO. 95-14

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

In the Matter of

COUNTY OF WARREN,

Public Employer,

-and-

Docket No. RO-95-9

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a representation petition filed by the CWA seeking to represent a separate negotiations unit of civilian dispatchers employed by Warren County. The County objects to the petition, arguing that the dispatchers should be included in the existing broad-based unit of County employees represented by AFSCME.

The Director applies the result reached in Township of Wall, D.R. 94-24, 20 NJPER 209 (¶25101 1994) and finds that a separate unit of civilian dispatchers is not appropriate.

D.R. NO. 95-14

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

In the Matter of

COUNTY OF WARREN,

Public Employer,

-and-

Docket No. RO-95-9

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Petitioner.

Appearances:

For the Public Employer
Stiles & Wallace, attorneys
(David A. Wallace, of counsel)

For the Petitioner
Weissman & Mintz, attorneys
(Steven P. Weissman, of counsel)

DECISION

On July 28, 1994, the Communications Workers of America, AFL-CIO filed a Petition for Certification of Public Employee Representative seeking to represent a negotiations unit of approximately 15 dispatchers employed by Warren County in its Department of Health and Public Safety. The petition was accompanied by an adequate showing of interest.

The County argues that the unit sought is not appropriate. It asserts that the employees sought in CWA's petition are presently part of AFSCME's county-wide negotiations unit of blue and white

collar employees. The County also argues that allowing the dispatchers a separate negotiations unit would lead to a proliferation of negotiations units within the County.

AFSCME currently represents a broad-based unit of all blue and white collar employees of the County. The petitioned-for titles were created in April 1994 to serve in the County's new 911 Communications Center. The County claims that during negotiations with AFSCME for a successor contract (the most recent contract expired on December 31, 1993), AFSCME and the County agreed to include the dispatchers in the existing unit.

CWA argues that the dispatchers have a unique community of interest. The Communications Center brings the dispatchers in contact with County Police who are in their own unit, and with emergency service personnel who are volunteers. It claims dispatchers have little contact with blue collar or white collar positions. CWA questions whether the dispatchers were included in the broad-based unit at the time it filed its petition and points out that AFSCME has not intervened in this matter.

The County correctly argues that Township of Wall, D.R. 94-24, 20 NJPER 209 (¶25101 1994) is controlling. As stated at page 3:

Commission policy favors broad-based units. State of New Jersey and Prof. Assn. of New Jersey, 64 N.J. 231 (1974). Although dispatchers have different job duties than other non-supervisory blue and white collar employees, we believe they share a strong community of interest with them. All work for the same employer under shared management authority.

Differences in hours and schedules as well as a lack of interchange of duties or infrequent interaction are insufficient to overcome the Commission's policy favoring broad-based units.

We have previously found petitioned-for units of dispatchers to be inappropriate. See Winslow Tp., D.R. No. 87-24, 13 NJPER 208 (¶18087 1987) (police dispatchers petition dismissed where conflicting second petition of white and blue collar employees held to be the most appropriate unit); Borough of Pitman, D.R. No. 94-16, 20 NJPER 115 (¶25060 1994) (petition for dispatchers inappropriate where Director determined that dispatchers shared a strong community of interest with other unrepresented non-supervisory white collar employees who were not included in the petition) and, Borough of Pt. Pleasant, D.R. No. 91-27, 17 NJPER 208 (¶22087 1991) (petition for four communications operators dismissed where Borough opposed the petition; Director found that the most appropriate unit for these employees was the clerical employee unit and noted that almost 100 organizable Borough employees were already included in one of the five negotiations units).

The most appropriate unit for the petitioned-for employees is in a broad-based unit. The failure of the majority representative of the blue collar unit to intervene in this matter is not controlling.

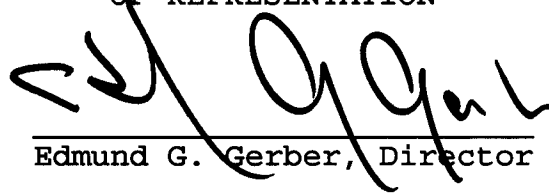
The issues here are the same. It is not necessary to determine whether AFSCME now represents the dispatchers; the petition seeks a unit which is not the most appropriate unit.

CWA argues that in Township of Washington, D.R. No. 86-15, 12 NJPER 226 (¶17093 1986), a unit of dispatchers was found to be appropriate, and Washington should control here. However, in Washington, all the dispatchers were sworn special police officers (here they are civilian dispatchers) and the employer never raised the issue of unit placement; it simply refused to consent to a

representation election.

For the reasons expressed in Township of Wall, I find a unit of civilian dispatchers is not the most appropriate unit for these employees and therefore, I dismiss this petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: December 20, 1994
Trenton, New Jersey