

D.R. NO. 91-5

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

In the Matter of

LAKWOOD HOUSING AUTHORITY,

Public Employer

-and-

Docket No. RO-90-156

TRANSPORT WORKERS UNION OF AMERICA,  
LOCAL 225, BRANCH 4,

Petitioner.

SYNOPSIS

The Director of Representation directs an election in a unit consisting of all nonsupervisory employees employed by the Lakewood Housing Authority. While the Authority alleged that the unit was inappropriate because of a lack of community of interest between the maintenance employees and the administrative/clerical employees, its factual assertions did not support this contention. Given the Commission's preference for broad-based units and concluding that the petitioned-for employees constitute a prima facie appropriate unit, the Director orders an election.

D.R. NO. 91-5

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

In the Matter of

LAKWOOD HOUSING AUTHORITY,

Public Employer

-and-

Docket No. RO-90-156

TRANSPORT WORKERS UNION OF AMERICA,  
LOCAL 225, BRANCH 4,

Petitioner.

Appearances:

For the Public Employer  
Meir N. Hertz, Executive Director

For the Petitioner  
William J. Ernst, President

DECISION AND DIRECTION OF ELECTION

On April 25, 1990 the Transport Workers Union of America, Local 225 Branch 4 ("TWU") filed a Representation Petition with the Public Employment Relations Commission ("Commission") seeking to represent all non-supervisory employees employed by the Lakewood Housing Authority ("Authority"). The petition was timely filed and is supported by an adequate showing of interest.<sup>1/</sup> The Authority has refused to consent to a secret ballot election.

---

<sup>1/</sup> By letter dated May 10, 1990, we requested that the Authority send us a list of names of all the petitioned-for employees to verify the showing of interest. To date, no list of names has been received. Accordingly, the showing of interest is presumed adequate. N.J.A.C. 19:11-2.1

Pursuant to N.J.A.C. 19:11-2.6, we conducted an administrative investigation. The investigation reveals the following. The disposition of this matter is properly based on our administrative investigation. We have not found any substantial and material factual disputes which may be more appropriately resolved at a hearing. See N.J.A.C. 19:11-2.6(b).<sup>2/</sup>

The Authority is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"), is subject to its provisions and is the employer of the petitioned-for employees. The TWU is a public employee representative within the meaning of the Act and is subject to its provisions.

The Petitioner contends that the unit sought is all non-supervisory employees of the Authority, including building maintenance workers, general laborers, clerk-typists and intake clerks. The petition specifically excludes craft employees and professional employees.

The petitioned-for unit has been unrepresented for about one year. Prior to that, the TWU had represented this unit. In 1986, after TWU filed a petition for representation these same parties entered into a consent election agreement for a unit of all

---

<sup>2/</sup> The parties attended an informal investigatory conference on May 29, 1990, at which time they stated their respective positions. The Authority submitted a written position statement on June 5, 1990. On June 29, 1990, we wrote to the parties indicating our intention to direct an election in accordance with the petition.

non-supervisory blue collar employees and all non-supervisory white collar employees. The TWU won the election and I issued a certification of representative to the TWU on May 27, 1986. The Authority does not assert there has been a change in circumstances or working conditions which warrant a finding that this unit configuration is now inappropriate.

The Authority asserts that the petitioned-for unit is inappropriate because there is no significant community of interest between its blue collar maintenance employees and its administrative/clerical employees. The Authority contends that: the maintenance employees and clerical employees lack common goals, the employees lack a common working environment and working conditions, there is little similarity in tasks and skills required to do their respective jobs and the craft employees should be included in the blue collar unit.

The Authority's contention that these employees do not have shared goals or the same knowledge and abilities or use the same skills in completing their assigned work is not controlling. Rather, the employees share the common goal of the efficient operation of the housing authority and the timely and effective provision of needed services to the tenant/client population. West Milford, P.E.R.C. No. 56, NJPER Supp 218 (1971). The test for community of interest has never been that employees perform the same jobs or use precisely the same knowledge and skills to complete assignments.

The Commission and Courts have expressed a preference for broad-based, functional units. See State v. Professional Assn. of N.J. Dept. of Ed., 64 N.J. 231 (1974). The Director of Representation has found that broad-based, mixed units of blue collar employees and white collar employees are appropriate for collective negotiations. See Union City Housing Authority, D.R. No. 85-17, 11 NJPER 163 (¶16071 1985); Bergen Cty. Housing Authority, D.R. No. 88-37, 14 NJPER 449 (¶19185 1988); Borough of Point Pleasant Beach, D.R. No. 87-4, 12 NJPER 657 (¶17247 1980); see also City of Camden, E.D. No. 8, NJPER Supp 406 (¶99 1970).

\* \* \*

The Commission's experience shows that there are many successful multi-site collective negotiations units in New Jersey; the parties negotiate different contractual terms to accommodate the varied circumstances of unit employees.

Here, each of the sites is controlled by the same central entity, the Lakewood Housing Authority and its Executive Director. These employees share a common employer, have similar goals and purposes, share generally similar fringe benefits and have expressed a desire to be included in a broad-based unit.

Contrary to the position of the employer, the Act mandates that craft employees and professional employees be in separate units from non-craft employees and non-professional employees, unless the craft/professional employees opt for inclusion in a unit with non-craft/non-professional employees. N.J.S.A. 34:13A-6. The union

does not seek to represent craft or professional employees in its non-supervisory blue collar/white collar employee unit (N.J.S.A. 34:13A-5.3 and 6). The unit petitioned-for is appropriate.

The Authority's factual assertions do not indicate a lack of community of interest or otherwise lessen the appropriateness of the unit sought. Given the Commission's preference for broad-based units and the absence of facts indicating labor instability in the unit sought, the petitioned-for unit is appropriate. Accordingly, I direct that a secret ballot election be conducted among the employees in the petitioned-for unit, which is comprised as follows:

Included: All non-supervisory employees employed by the Lakewood Housing Authority.

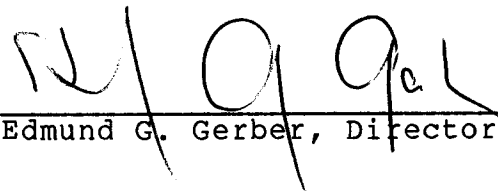
Excluded: Confidential employees, managerial executives, police employees, firefighters, professional employees, craft employees and supervisors within the meaning of the Act.

The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been 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 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 units, together with their last known mailing addresses and job titles. In order to be timely filed, the eligibility list must be received by me no later than ten (10) days prior to the date of the election. A copy of the eligibility list shall be simultaneously provided to the employee organization with a statement of service filed with us. I 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: August 10, 1990  
Trenton, New Jersey