

D.R. NO. 95-18

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

In the Matter of

TOWN OF MORRISTOWN,

Public Employer,

-and-

Docket No. RO-94-151

TEAMSTERS LOCAL 866,

Petitioner,

-and-

MORRISTOWN MUNICIPAL EMPLOYEES
ASSOCIATION,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a petition filed by Teamsters Local 866 seeking to represent communications officers/dispatchers employed by the Town of Morristown in a new separate negotiations unit. The Director finds that the subject title is presently included in a broad-based unit represented by the Morristown Municipal Employees Association and that the standards for severing a group of employees from an existing unit are not present here. Both the Town and MEA oppose the petition. Accordingly, the Director finds that the unit sought is inappropriate and dismisses the petition.

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Appearances:

For the Public Employer
Ruderman & Glickman, attorneys
(Steven S. Glickman, of counsel)

For the Petitioner
Michael Broderick, Secretary-Treasurer

For the Intervenor
Zazzali, Zazzali, Fagella & Nowak, attorneys
(Paul L. Kleinbaum, of counsel)

DECISION

On June 17, 1994, Teamsters Local 866 filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission seeking to represent a collective negotiations unit of communications officers employed by the Town of

Morristown. The Morristown Municipal Employees Association sought to intervene in the petition on the basis of its most recent collective negotiations agreement with the Town. The MEA asserts that the Teamsters have petitioned for an incorrect title, and that the employees sought by the petition are included in its broad-based negotiations unit in the title police radio dispatcher. The Town and the MEA oppose the petition and refuse to consent to the severance of the communication officers/police dispatchers from the existing broad-based unit.

The Town and the MEA are parties to a collective negotiations agreement covering a unit of all non-supervisory blue and white collar non-supervisory employees. The agreement covers the period from January 1, 1992 through December 31, 1993 and includes police radio dispatchers. Neither the Town nor the Teamsters assert that two different titles (communications officers and police radio dispatchers) exist. The petition seeks to sever the employees performing the duties of communications officers/dispatchers from the existing broad-based unit. Both the Town and MEA oppose the severance of this title from the unit because it would lead to undue unit proliferation. The Teamsters have not alleged a lack of responsible representation or negotiations unit instability with regard to the communications officers/dispatchers.

The New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3 states: "The negotiating unit shall be defined with due


regard for the community of interest among the employees concerned...." The Commission and the Courts have consistently held that broad-based units are more appropriate than narrow units structured along single occupational lines. State of New Jersey and Professional Assn of N.J. Dept. of Ed., 64 N.J. 231 (1974). See also, Piscataway Tp. Bd. of Ed., P.E.R.C. No. 84-124, 10 NJPER 272 (¶15134 1984). Severance from broad-based units is appropriate only under limited circumstances. In Jefferson Tp. Bd. of Ed., P.E.R.C. No. 61, NJPER Supp. 248 (¶61 1971), the Commission stated:

The question is a policy one: Assuming without deciding that a community of interest exists for the unit sought, should that consideration prevail and be permitted to disturb the existing relationship in the absence of a showing that such relationship is unstable or that the incumbent organization has not provided responsible representation? We think not. To hold otherwise would leave every unit open to redefinition simply on a showing that one sub-category of employees enjoyed a community of interest among themselves. Such course would predictably lead to continuous agitation and uncertainty, would run counter to the statutory objective and would, for that matter, ignore that the existing relationship may also demonstrate its own community of interest.
Id. at 251.

Applying these standards here, I find that the petition seeks an inappropriate negotiations unit. The disputed title is presently included in an appropriate, broad-based negotiations unit. The petitioner has not alleged any facts showing unit instability or a lack of responsible representation. The standards required to secure the severance of the communications officers/police radio dispatchers from the existing, broad-based unit have not been met.

Accordingly, I dismiss the petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: January 13, 1995
Trenton, New Jersey