

D.R. NO. 92-5

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

In the Matter of

COUNTY OF HUDSON,

Public Employer,

-and-

Docket No. RO-91-168

SECAUCUS YOUTH HOUSE TEACHERS
EDUCATION ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a representation petition filed by the Secaucus Youth House Teachers Association, which sought to represent four teachers at one of the facilities operated by Hudson County. The Director finds that the petitioned-for unit, seeking a single title in one facility, is inappropriately narrow. The Director determines that the appropriate unit consists of all unrepresented professional employees employed by Hudson County. Accordingly, the petition was dismissed.

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Appearances:

For the Public Employer
Genova, Burns & Schott, attorneys
(Stephen E. Trimboli, of counsel)

For the Petitioner
Bucceri & Pincus, attorneys
(Gregory T. Syrek, of counsel)

DECISION

On April 12, 1991, the Secaucus Youth House Teachers Education Association ("Association") 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 teachers employed by the County of Hudson ("County") in the County Youth House. The four (4) teachers in the petitioned-for unit are currently unrepresented.

The County objects to the proposed unit. It asserts that that a broad-based unit of all unrepresented professional employees

in the County would be more appropriate than the unit proposed by the petition.

I have conducted an administrative investigation pursuant to N.J.A.C. 19:11-2.6(b). The disposition of this matter is properly based upon the administrative investigation. I have not found any substantial and material factual disputes which may be more appropriate for a formal hearing. N.J.A.C. 19:11-2.6(b). Our investigation found the following facts:

Four teachers work in the County Youth House, a facility for juvenile offenders. The County employs other professionals, including social workers, even within its Youth House.

The County's non-supervisory professional employees have never been represented for collective negotiations. The County employs approximately 80 unrepresented professional employees, such as planners, accountants, social workers, counsellors, engineers, therapists, and program coordinators. Professional employees are spread out among virtually all of the County's departments.

All professional employees are required to possess advanced degrees in their respective fields. All professional employees are subject to the County's policies concerning salary advancement, personnel policies, and employee benefits. They are all subject to the same sick, vacation and other leave benefits provisions.

The County's approximately 3,000 represented employees are organized into large, broad-based units of generic groups which span occupational and departmental lines. The County's non-law

enforcement employees are organized into eight broad-based negotiations units: a county-wide blue and white collar unit (1,346 employees); a supervisors unit (76 employees); a nursing unit, including registered nurses, licensed practical nurses, and head nurses (187 employees); a medical supervisors unit (approximately 22 employees); an operating engineers' unit (55 employees); two units of Welfare employees^{1/}. (approximately 557 employees); and a unit of guards (approximately 81 employees). The professional group is the only unrepresented unit in the County.

* * *

I find that the petitioned-for unit is not appropriate. The most appropriate unit would be a broad-based unit of all unrepresented professional employees employed by the County.

The Commission is charged with determining in each instance which unit is appropriate. N.J.S.A. 34:13A-6. Where more than one unit is potentially appropriate, the Commission must determine which unit configuration is most appropriate. State of New Jersey and Professional Association of New Jersey, 64 N.J. 231 (1974) ("State Nurses"). N.J.S.A. 34:13A-5.3 requires that negotiations units be defined "with due regard for the community of interest among the employees concerned." However, in making unit determinations, we must consider the general statutory intent of promoting stable and harmonious employer-employee relations. The desires of the

^{1/} The Welfare employees were previously employed by a separate Welfare Board.

employees and the desires of the parties, while relevant, are not paramount. I consider the totality of circumstances of the particular case, including the history of the negotiations unit and extent of organization of the employer's employees. Tp. of Teaneck, P.E.R.C. No. 88-20, 13 NJPER 483 (¶18270 1987); Passaic Cty. Board of Freeholders, P.E.R.C. No. 87-141, 13 NJPER 483 (¶18179 1987); Englewood Bd. of Ed., P.E.R.C. No. 82-25, 7 NJPER 516 (¶12229 1981).

It is well-settled that Commission policy favors broad-based units and has been reluctant to find appropriate units which are structured along occupational or departmental lines. See State of New Jersey, P.E.R.C. No. 68; South Plainfield Bd. of Ed., P.E.R.C. No. 46 (1970); Bergen Cty. Bd. of Freeholders, P.E.R.C. No. 69 (1972); Piscataway Tp. Bd. of Ed., P.E.R.C. No. 88-124, 10 NJPER 272 (¶15134 1984); Bordentown Reg. Bd. of Ed., P.E.R.C. No. 84-126, 10 NJPER 276 (¶15136 1984), *aff'd* App. Div. Dkt. No. A-4503-83T6 (4/4/85); Ridgewood Bd. of Ed., P.E.R.C. No. 82-14, 7 NJPER 462 (¶12204 1981).

This case involves a group of 4 employees in single title at a single County facility. In deciding whether to grant requests for small units, the Commission must balance the rights of public employees who desire representation against the effect such organization will have on the employer's overall labor stability.

Here, the existing units are organized along relatively broad-based lines. The non-professional unit (the County's largest), for example, includes both blue collar and white collar

employees. It includes employees from every County department and facility, from the County administration to the County institutions, including the Youth House. The supervisors unit is also organized along broad-based lines, cutting across many occupational groups and departments.

The Petitioner asserts that these four teachers have a unique community of interest from other professional employees. While there may be certain differences in the conditions of employment applicable to Youth House teachers as compared to other County professional employees, nevertheless, we find that a community of interest exists among the professional employees. The New Jersey Supreme Court in State Nurses recognized that certain differences are to be expected among various occupational titles in a bargaining unit. However, these differences do not mean that an overall group of professional employees lack community of interest. The Court noted that, to permit employees in every occupation or title to organize into separate negotiations units would result in a multiplicity of fragmented units and make the employer's labor relations unworkable. There remain many unrepresented professional titles in Hudson County. If this small unit is permitted to organize separately, it will enhance the potential for unit fragmentation among other professional employee groups.

For the reasons set forth above, we find that the petitioned-for unit is inappropriate. I hereby dismiss the Association's petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: October 31, 1991
Trenton, New Jersey