

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

In the Matter of

COUNTY OF MORRIS,

Public Employer,

-and-

TEAMSTERS LOCAL NO. 11, I.B.T.,

Petitioner,

Docket Nos. RO-85-38
RO-85-40
RO-85-50

-and-

MORRIS COUNCIL NO. 6, NEW JERSEY
CIVIL SERVICE ASSOCIATION,

Intervenor.

SYNOPSIS

The Commission Designee dismisses three petitions to sever certain blue collar groups from the current county-wide blue and white collar collective negotiations unit. The Petitioner had failed to demonstrate that the severance standard had been met.

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Appearances:

For the Public Employer
Edward Horan, Director of Labor Relations

For the Petitioner
Schneider, Cohen & Solomon, attorneys
(Bruce D. Leder of Counsel)

For the Intervenor
Morris & Hantman, attorneys
(Allen Hantman of Counsel)

DECISION

Petitions for Certification of a Public Employee Representative were filed with the Public Employment Relations Commission ("Commission") by Teamsters Local No. 11, International Brotherhood of Teamsters ("Teamsters") on September 24, 1984, and October 2, 1984, seeking to represent certain employees employed by the County of Morris ("County"). These petitions, supported by an adequate showing of interest, seek separate collective negotiations units consisting of all production and maintenance employees of the Bridge Department (RO-85-40);

all employees of the Shade Tree Commission (RO-85-38); and dispatchers, clerks and all other employees in the Sheriff's Communications Center (RO-85-50).

The employees sought in each of these petitions are currently represented by Morris Council No. 6, New Jersey Civil Service Association ("Morris Council No. 6") and are included in a county-wide collective negotiations unit of non-supervisory employees. Morris Council No. 6 has been granted intervenor status in this matter pursuant to N.J.A.C. 19:11-2.7 based on a collective negotiations agreement with the County which expired December 31, 1983.

The Commission Designee has caused an administration investigation to be conducted in this matter pursuant to N.J.A.C. 19:11-2.2 in order to determine the facts. Based upon the administrative investigation herein, I find and determine as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved at a hearing. Pursuant to N.J.A.C. 19:11-2.6(b), there is no necessity for a hearing where, as here no substantial and material factual issues have been placed in dispute by the parties.

2. The County of Morris 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 the employer of the employees who are the subject of the Petition, and is subject to the provisions of the Act.

3. Teamsters Local No. 11, International Brotherhood of Teamsters, and Morris Council No. 6, New Jersey Civil Service Association, are employee representatives within the meaning of the Act and

are subject to its provisions.

4. Each of the petitioned-for employee groups are included in a county-wide collective negotiations unit represented by Morris Council No. 6. Section 1 of the Recognition Article of the 1978-1980 agreement ^{1/} between the County of Morris and Morris Council No. 6 clearly describes the existing county-wide unit as follows:

The County hereby recognized the Association as the sole and exclusive representative of all full time, part time, classified, permanent and provisional employees under this agreement...with the exception of the departments and positions listed below: Prosecutors Investigators, Sergeants, Lieutenants and Detectives, Probation Officers, Sheriffs Officers, Corrections Officers, Engineering Department non-clerical and all employees of the Library Commission, Welfare Board, Mosquito Commission and Park Commission.

Further, Section 4 of the same agreement specifies that certain terms and conditions of the agreement are specifically applicable to the following employee groups:

...the Road and Bridge Departments, the Probation Investigators, Court Clerks, employees and supervisory employees of Morris View, employees of the Shade Tree Commission and employees of the Weights and Measures Department, and employees of the Building and Grounds Department, the Youth Shelter and the Data Processing Department...

5. The County and Morris Council No. 6 have indicated that they will not consent to a secret ballot election herein. The County takes the position that the petitioned-for units are inappropriate in that each petition seeks to sever a group of employees from the existing county-wide unit of all non-supervisory employees (approximately 1200) with

^{1/} The 1978-1980 agreement has been updated for the periods 1981-1982, and 1983 by memoranda of agreement between the parties.

whom they share a community of interest. Morris Council No. 6 argues that the existing county-wide unit is the most appropriate unit, and that Morris Council No. 6 has not failed in its duty to provide responsible representation to all of the employees in the existing unit.

6. The Teamsters claim that each of the units petitioned for comprise an appropriate unit for the purpose of collective negotiations, and have requested a hearing in this matter, suggesting that the incumbent representative has not adequately represented the petitioned-for groups. By letter dated October 30, 1984, the Chief Assistant to the Commission Designee provided the Teamsters with the opportunity to submit documentary evidence in support of its position, or alternatively, to withdraw the petition. The Teamsters were also notified that in the absence of such submissions the Commission would not be inclined to disturb the existing negotiations unit structure, and the matter would be referred to the Commission Designee for a determination.

The Commission has on many occasions enunciated its policy favoring broad-based functional units and rejecting claims for narrowly defined units based on specific occupational or departmental distinctions. Further, the Commission has long utilized a standard for severing employees from an appropriate collective negotiations unit. ^{2/} This standard was set forth by the Commission in In re Jefferson Tp. Bd. of Ed., P.E.R.C. No. 61 (1971):

The underlying question is a policy one:
assuming without deciding that a community
of interest exists for the unit sought,
should that consideration prevail and be

^{2/} It is noted that a similar petition brought by Teamsters Local 11 for the employees in the Bridges Department was dismissed in 1981 for reasons substantially similar to the instant matter. See County of Morris, D.R. No. 81-23, 7 NJPER 83 (¶ 12030 1981).

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 re-definition simply on a showing that one sub-category of employees enjoyed a community of interest among themselves. Such a 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.

In the instant matter, the Petitioner has failed to proffer any documentary evidence in support of its contentions. Therefore, no substantial and material factual issues have been placed in dispute which would warrant the convening of an evidential hearing in this matter.

Accordingly, for the above reasons, the petitions are hereby dismissed.

BY ORDER OF COMMISSION DESIGNEE


Edmund G. Gerber

DATED: November 15, 1984
Trenton, New Jersey