

D.R. NO. 92-29

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

In the Matter of

CAMDEN COUNTY JUDICIARY,

Public Employer,

-and-

PROBATION ASSOCIATION OF NEW JERSEY,

Docket No. RO-92-31

Petitioner,

-and-

CAMDEN COUNCIL NO. 10,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a representation petition filed by the Probation Association of New Jersey seeking to sever investigators employed by the Judiciary from a broad-based county-wide unit represented by Camden Council No. 10. The Director finds that although the investigators may be separated from the existing multi-employer unit, the petitioned-for unit of judiciary employees is inappropriate because it is narrowly structured along occupational lines.

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Appearances:

For the Public Employer
Administrative Office of the Courts
(Joan Kane Josephson, Chief, Labor Relations)

For the Petitioner
Szaferman, Lakind, Blumstein, Watter & Bladder, attorneys
(Sidney H. Lehmann, of counsel)

For the Intervenor
Tomar, Simonoff, Adourian & O'Brien, attorneys
(Mary L. Crangle, of counsel)

DECISION

On September 4, 1991, the Probation Association of New Jersey ("PANJ") filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission ("Commission"). The petition was timely filed and accompanied by a sufficient showing of interest. N.J.A.C. 19:11-2.1 and 2.8.

PANJ seeks to represent a collective negotiations unit of approximately 50 probation investigators employed by the Camden County Judiciary in the Probation Department. These employees are currently represented by Camden Council No. 10 in a broad-based unit of both Judiciary and Camden County employees. The unit consists of the probation investigators, the Judiciary's administrative and clerical employees, and the blue collar employees and white collar employees employed by Camden County.

Council 10 intervened in this matter based upon its recently expired collective negotiations agreement. N.J.A.C. 19:11-2.7. It argues that the petition is an attempt to inappropriately sever employees from a unit with a long, stable history of negotiations.

The Judiciary refused to consent to a secret ballot election. It admits that it is the employer of the investigators; however, it does not want the present county-wide unit disrupted. It states that if the existing unit is found to be inappropriate, then investigators should be included in a broad-based unit of Judiciary employees including administrative and clerical employees.^{1/} The Judiciary urges that the petition be dismissed.

PANJ asserts that the petitioned-for unit is appropriate. It argues that investigators have no community of interest with clerical employees and therefore should be in a separate unit.

^{1/} Only the Middlesex, Union and Essex County vicinages have historically had separate negotiations units of probation investigators.

We have conducted an administrative investigation and the following facts appear. N.J.A.C. 19:11-2.6.

The Commission determines in each case what unit is appropriate. N.J.S.A. 34:13A-6. If more than one unit is potentially appropriate, the Commission must determine what unit is most appropriate. State v. Prof. Assn. of N.J., Dept. of Ed., 64 N.J. 231 (1974), aff'g P.E.R.C. No. 68.

Where the Commission has determined that certain employees in multi-employer units are employed by a separate employer, the Commission has severed those employees from the larger unit. See Morris Cty. Bd. of Social Services, P.E.R.C. No. 86-15, 11 NJPER 491 (¶16175 1985); Camden Cty. Health Services Ctr., D.R. No. 89-36, 15 NJPER 379 (¶20161 1989). Employees in multi-employer units do not share a fundamental element of community of interest, i.e., a common employer. Judiciary employees have been separated from existing county-wide units where an appropriate unit was petitioned-for. See Passaic Cty. Court Judges, D.R. No. 82-26, 8 NJPER 13 (¶13006 1981); Cty. of Sussex, D.R. No. 91-11, 16 NJPER 572 (¶21251 1990).

Here, the Judiciary argues that a broad-based unit of Judiciary administrative and clerical employees is more appropriate than the petitioned-for unit of probation investigators only.

The Commission generally favors structuring negotiations units along broad-based, functional lines. It has been reluctant to find appropriate units structured along occupational or departmental or single-title or single-function lines. So. Plainfield Bd. of

Ed., P.E.R.C. No. 46, (1970); Piscataway Tp. Bd. of Ed., P.E.R.C. No. 88-124, 10 NJPER 272 (¶15134 1984). PANJ here proposes a narrowly defined unit organized along occupational lines. However, the probation investigators share a community of interest with other administrative and clerical employees employed by the Judiciary. The proposed unit is not the most appropriate unit.

Accordingly, I find that the petitioned-for unit of probtaion investigators employed by the Judiciary is not appropriate and I dismiss the petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: May 7, 1992
Trenton, New Jersey