

D.R. NO. 88-37

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

In the Matter

BERGEN COUNTY HOUSING AUTHORITY,

Public Employer,

-and-

Docket No. RO-88-106

N.J.E.L.U., LOCAL #1,

Petitioner.

SYNOPSIS

The Director of Representation directs an election among all employees of the Bergen County Housing Authority. The Authority alleged that the employees should be placed in blue and white collar units. It maintained that an insufficient community of interest existed in an overall unit. The Director finds that a sufficient community of interest existed in the broad-based unit.

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Appearances:

For the Public Employer  
Edwin C. Eastwood, Esq.

For the Petitioner  
Loccke & Correia, Esqs.  
(Manuel A. Correia, of counsel)

DECISION AND DIRECTION OF ELECTION

On October 28, 1987, the New Jersey Employees Labor Union - Local 1 ("Union") filed a timely Petition for Certification of Public Employee Representative ("Petition") seeking to represent a collective negotiations unit of all employees of the Bergen County Housing Authority ("Authority"). The petition, claiming approximately 56 employees, was supported by an adequate showing of interest. The employees are currently unrepresented.

On November 23, 1987, a Commission staff agent conducted an investigatory conference attended by representatives of the Authority and the Union. The Authority asserted that its work force should be placed in two units, a blue collar unit and a white collar unit. It

asserted that the blue/white collar unit structure prevails in the County and in most County municipalities. It also alleged that there is an insufficient community of interest among the employees to justify the formation of a single unit of all Authority employees. The Authority also opposed the inclusion of supervisory, managerial, confidential or casual employees in any unit.

On December 14, 1987, the Union filed a written position statement asserting that the Commission favors broad-based units and does not ordinarily object to the notion that an employee representative can fairly represent all non-supervisory employees of an employer in one bargaining unit. It also asserted that the employees share a community of interest because they are "afforded similar or equivalent wages and benefits, common supervision and a single unit is their representational desire." The Union also asserted that the Bergen County model of separate units for blue and white collar employees is inappropriate for the Housing Authority. There are 1100 employees in the County's white collar unit and 500 employees in the blue collar unit; there are only 50 employees in the proposed combined unit at the Bergen County Housing Authority. Finally, the Union maintained that slight differences between blue and white collar Housing Authority employees may easily be addressed during negotiations.

On January 4, 1988, the Authority filed a detailed position statement reiterating its opposition to the proposed unit. It alleged these facts to show that no community of interest exists in the unit:

- (1) white collar employees are salaried and blue collar

employees are hourly paid;

(2) hours of work differ for the proposed blue and white collar employees;

(3) the vast majority of white collar employees report to a different work site than blue collar employees; and

(4) blue and white collar employees do not socialize or eat lunch together.

The Authority also alleged that a unit of less than twenty employees works at Bergen Pines Hospital, thus seeking to counter the Union's contention that two units, with only twenty to thirty employees in each unit, would be too small to be appropriate. Finally, the Authority alleged that certain employees who were managerial, confidential or supervisory were inappropriate for inclusion in the proposed unit.

On February 16, 1988, the Authority filed copies of job descriptions for certain employees it contends are supervisors or managerial executives within the meaning of the Act. The job descriptions are for office manager, rehabilitation foreman, building management supervisor, acting executive director, finance manager, section 8 administrator, administrative assistant/personnel administrator and construction specialist. On March 1, 1988, the Union filed a letter stating that it does not contest the proposed exclusions.

We conducted an administrative investigation in this matter. N.J.A.C. 19:11-2.6. The investigation reveals:

1. The disposition of this matter is properly based on our administrative investigation. We have not found any substantial material factual disputes which may be more appropriately resolved at a hearing. N.J.A.C. 19:11-2.6(b).

2. The Bergen County Housing Authority is a public employer within the meaning of the Act and employs the employees who are the subject of this petition.

3. New Jersey Employees' Labor Union, Local 1, is an employee representative within the meaning of the Act.

4. The proposed unit is composed of about 52 employees in numerous titles including receptionist, bookkeeper, building manager, secretary/clerk, resident aide, program eligibility specialist, cook, building superintendent, maintenance assistant, contract procurement coordinator, carpenter and others.

5. Employees in the titles of program eligibility specialist, contract procurement coordinator and others in about 21 positions typically report to work at the administration building at 290 Moore Street in Hackensack. Some employees in this asserted "white collar" group report to about six other County facilities; for example, secretaries are assigned to housing facilities in Norwood, East Rutherford and Mahwah. The white collar employees are salaried and generally earn from \$16,000 to \$34,000 annually. Most earn less than \$23,000. These employees usually work from 9 a.m. - 4:30 p.m. and have 32.5 hour work weeks.

6. Employees in the titles of cook, building

superintendent, carpenter, maintenance assistant/driver and maintenance assistant (31 positions) report to about six facilities. Some carpenters report to construction sites in Mahwah and Ramsey. The employees generally work in housing facilities varying in size from 35 to 143 units. They are paid on an hourly basis and earn between \$12,000 and \$30,000 per year. They usually work from 8 a.m. - 4:30 p.m. and individually, may arrange more flexible schedules in their 40 hour work weeks. At least once per month, these employees report to the administration office in Hackensack. Employees in these "blue collar" positions receive a clothing allowance.

7. All employees in the proposed unit have comparable fringe benefits, including medical and dental insurance, sick leave, vacation and holidays. All employees are enrolled in the State Public Employees' Retirement System and receive longevity increases after three years of steady employment. About three employees work less than twenty hours per week and receive no benefits. Any employee who works more than 20 hours per week and less than full time receives prorated benefits.

On May 26, 1988, we mailed a letter to the parties tentatively concluding that the petitioned-for unit was appropriate and that an election would be directed among those employees. We provided the parties an opportunity to file additional statements of position.

On June 13, 1988, the Authority reiterated its opposition

to the proposed unit. It asserted that the overall unit lacks a community of interest based on blue and white collar differences in compensation, place of employment, work hours, skills and interaction.

We find that the petitioned-for unit is appropriate. The Commission has favored structuring negotiations units along broad-based, functional lines 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 Co. 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). State of New Jersey and Prof. Assn. of N.J., 64 N.J. 231 (1974). Absent allegations of specific statutory prohibitions, such as a combined unit of supervisory and non-supervisory personnel, a unit of all Housing Authority employees is prima facie appropriate.

In this case, the employer objects to the broad-based unit in part, because the County has developed a unit structure of separate blue and white collar units. First, the Housing Authority is a separate employer, most county employees are already included in appropriate units and the petitioned-for employees have not been represented in any collective negotiations unit. Second, the

Commission defines the appropriate unit "with due regard for the community of interest among the employees concerned." N.J.S.A. 34:13A-5.3. While most "white collar" employees work at one location and "blue collar" employees are dispersed at several facilities, and the former are salaried and the latter hourly paid, the differences between them do not run afoul of statutory concerns. These employees share a common employer, have similar goals and purposes, share the same health benefits and have expressed a desire to be represented in a broad-based unit. Given the Commission's policy favoring such units and the absence of facts suggesting labor instability in a single unit, we find that a unit of all housing authority employees is appropriate for collective negotiations. Carpenters shall vote on whether they wish to be included in a unit with non-craft employees. See N.J.A.C. 19:10-1.1 and 19:11-2.6.

Accordingly, we direct an election in the following unit:

Included: All blue collar employees and white collar employees employed by the Bergen County Housing Authority including Administrative Assistant, Finance; Administrative Assistant; Assistant Finance Manager/Purchasing Supervisor; Bookkeeper; Building Administrative Secretary; Building Manager; Building Superintendent; Carpenter; Carpenter's Helper; Clerk Typist; Community Development Projects Specialist; Congregate Services Aide; Contract Control Analyst; Contract Procurement Coordinator; Cook; Homemaker Aide; Housekeeper/Cook; Housing Inspector; Maintenance



Assistant; Maintenance Assistant/Driver; Marketing Representative; Program Eligibility Specialist; Receptionist; Rehabilitation Carpenter; Rent Subsidy Specialist; Resident Aide; Secretary/Clerk; Senior Occupancy Specialist; Social Services Coordinator; Superintendent and Tenant Services Coordinator. Excluded: Managerial executives, confidential employees, police, professionals, supervisors within the meaning of the Act, all other employees including Office Manager; Rehabilitation Foreman; Building Management Supervisor; Acting Executive Director; Finance Manager; Section 8 Administrator; Administrative Assistant/Personnel Administrator and Construction Specialist.

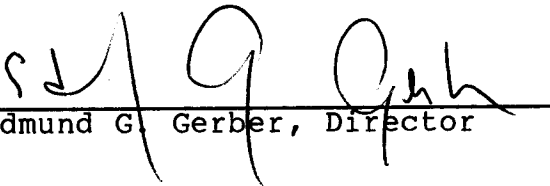
The election shall be conducted no later than thirty (30) days from the date of this decision. Those eligible to vote must have been employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were out ill, on vacation 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 Housing Authority 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 us 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. We 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: June 21, 1988  
Trenton, New Jersey