

P.E.R.C. NO. 94-102

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CAMDEN COUNTY HEALTH SERVICE CENTER,

Public Employer,

-and-

AFSCME COUNCIL 71, LOCAL 2307,

Docket No. CU-94-7

Petitioner,

-and-

CAMDEN COUNCIL NO. 10,

SYNOPSIS

The Public Employment Relations Commission denies a request for review of a decision of the Director of Representation clarifying Camden Council 10's unit to include the position psychiatric technician. D.R. No. 94-15, 20 NJPER 111 (¶25056 1994). The Director determined that the new position had a stronger community of interest with Council 10 than with AFSCME Council 71, Local 2307. That determination was not clearly erroneous and therefore AFSCME's request for review is denied.

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CAMDEN COUNCIL NO. 10,

Intervenor.

Appearances:

For the Public Employer, Brown & Connery, attorneys
(Jane A. Lorber, of counsel)

For the Petitioner, Matlin & Siegel, attorneys (Stephan
Siegel, of counsel)

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

DECISION AND ORDER

On August 23 and October 6, 1993, AFSCME Council 71, Local 2307 filed a clarification of unit petition and an amendment. AFSCME seeks to clarify its non-supervisory blue collar negotiations unit at the Camden County Health Service Center to include the new title of psychiatric technician.

Camden Council No. 10 intervened. It maintains that the psychiatric technician was properly placed in its white collar

unit. The Center filed a position statement asserting that the psychiatric technician's community of interest lies with Council 10's unit.

On January 25, 1994, the Director of Representation issued a decision clarifying Council 10's unit to include the psychiatric technician. D.R. No. 94-15, 20 NJPER 111 (¶25056 1994). He found that "the fact that some duties are similar to those of AFSCME unit titles does not overcome the stronger community of interest in skill levels and nature of the contact with patients between the Psychiatric Technician and the titles in Council 10's unit."

On February 24, 1994, after an extension of time, AFSCME requested review. It claims that the Director's decision is clearly erroneous on a substantial factual issue. It argues that the psychiatric technician classification is an intermingling of responsibilities found in similar classifications now and previously associated with AFSCME's unit.

On March 15 and March 17, respectively, Council 10 and the Center filed statements in opposition to review.

Under N.J.A.C. 19:11-8.2, review will be granted only upon one or more of these grounds:

1. That a substantial question of law is raised concerning the interpretation or administration of the act or these rules;
2. That the director of representation's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of the party seeking review;

3. That the conduct of the hearing or any ruling made in connection with the proceeding may have resulted in prejudicial error; and/or

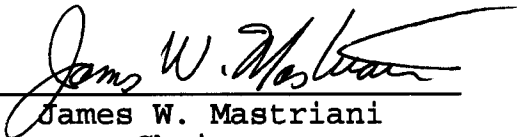
4. That there are compelling reasons for reconsideration of an important commission rule or policy.

The psychiatric technician position has attributes of positions in both AFSCME and Council 10's units. Given the facts presented to him by the parties, the Director determined that the new position had a stronger community of interest with Council 10. That determination was not clearly erroneous and therefore we deny AFSCME's request for review.

ORDER

The request for review is denied.

BY ORDER OF THE COMMISSION



James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Goetting, Klagholz and Regan voted in favor of this decision. Commissioner Smith voted against this decision. Commissioner Bertolino abstained. Commissioner Wenzler was not present.

DATED: April 28, 1994
Trenton, New Jersey
ISSUED: April 29, 1994