

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

TOWNSHIP OF MINE HILL,

Public Employer,

-and-

Docket No. RO-78-20

TEAMSTERS LOCAL 102,

Petitioner.

SYNOPSIS

The Township of Mine Hill, pursuant to N.J.A.C. 19:11-8.1, filed a request for review by the Commission of the Director of Representation's decision, D.R. No. 79-4, 4 NJPER 297 (¶4148 1978) in which he found: that Teamsters Local 102 was properly denominated as the Petitioner due to the merger with Teamsters Local 37, the original petitioner; that CETA employees are public employees within the meaning of the Act; and that an all inclusive blue collar unit consisting of the two CETA employees and a third employee paid by the Township was an appropriate unit for collective negotiations.

In seeking review of the Director's decision the Township raised four specific grounds. Based upon a careful consideration of these grounds the Commission determines that they do not raise substantial questions of law or policy which would compel review of the Director's decision under N.J.A.C. 19:11-8.2. Accordingly, the Commission denied the request for review.

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TEAMSTERS LOCAL 102,

Petitioner.

Appearances:

For the Public Employer, Wiley, Malehorn &  
Sirota, Esqs. (Frederick J. Sirota, of Counsel)

For the Petitioner, Richard A. Weinmann, Esq.  
(Breeno T. Merker, Secretary-Treasurer)

DECISION ON REQUEST FOR REVIEW

On July 27, 1978, the Director of Representation issued his Decision and Direction of Election in the above-captioned representation proceeding. In re Township of Mine Hill, D.R. No. 79-4, 4 NJPER 297 (Para. 4141 1978). After receiving an extension of time, the Public Employer served and filed with the Commission a timely request for review of the Director's decision on August 24, 1978. The request for review and supporting brief was accompanied by a request for an order staying the directed election and a request for oral argument, all of which comported with the procedural requirements of N.J.A.C. 19:11-8.1 and 8.3.

The Petitioner filed a statement in opposition to the Public Employer's Request for Review, Request for Order Staying the Election, and Request for Oral Argument on the grounds that

the Commission's standard for granting review had not been met and particularly that the request for oral argument in this proposed three-person unit constituted harassment and procrastination.

The Public Employer seeks Commission review on the following grounds:

1. The Public Employer maintains that a substantial question of law is raised concerning the interpretation and administration of the New Jersey Employer-Employee Relations Act, as amended, N.J.S.A. 34:13A-1 et seq. (the "Act"), compelling the Commission to grant a request for review pursuant to N.J.A.C. 19:11-8.2.

2. The Public Employer disputes that portion of the decision determining that Teamsters Local 102 is a proper petitioner herein.

3. The Public Employer disputes that portion of the decision which finds that CETA employees are public employees within the meaning of the Act, appropriate for inclusion in the proposed unit, and eligible to vote in a secret ballot election.

4. Finally, consistent with the above, the Public Employer disputes the conclusion that the appropriate unit for representation includes all blue collar employees in the Township of Mine Hill and Water Departments, including the employees paid through CETA funds, and directing an election in that unit.

Based upon a careful consideration of the request for review and the thorough brief in support thereof, the Commission determines that the specific grounds set forth above do not raise the substantial questions of law or policy which compel review of the Director's decision under N.J.A.C. 19:11-8.2.

In his decision, the Director agreed with the Hearing Officer <sup>1/</sup> that Teamsters Local 102 was properly denominated the Petitioner in the instant proceeding since Teamsters Local 37, the organization which originally filed the Petition for Certification of Public Employee Representative, had merged with Local 102 prior to the hearing in the instant matter.

The Director also concluded that the appropriate unit consisted of two employees whose salaries derive, in part, from the federally funded CETA program, and another employee whose salary is paid from general township revenues. The Director agreed with the Hearing Officer that this case was governed by his earlier analysis and decision in In re Passaic County Board of Chosen Freeholders <sup>2/</sup> which, as herein, found that a community of interest existed among the members of the proposed unit by virtue of their performance of similar work under similar conditions, their common supervision, and their compensation at the same salary and benefit levels.

The Director determined that the Township of Mine Hill was a public employer and that the CETA funded employees were public employees within the meaning of the Act, and directed that an election be conducted among the three employees to determine the desires of the employees as to representation.

In this case there are only three employees in the unit. A lengthy hearing has been held and the Hearing Officer and the

<sup>1/</sup> See In re Township of Mine Hill, H.O. No. 78-16, attached to D.R. No. 79-4 and published at 4 NJPER 75 (Par. 4086 1978).

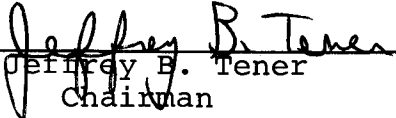
<sup>2/</sup> D.R. No. 78-29, 4 NJPER 8 (Par. 4006 1977).

Director have issued a comprehensive decision relying on principles which have been well established in prior decisions of this agency and with which this Commission is thoroughly familiar. The brief of the Public Employer, while disagreeing with some of these decisions, does not raise any new substantial questions of law which, in our view, require the granting of a request for review.

Review by the Commission of representation decisions is not required and an order denying such a request is a final decision of the Commission, except where, as in this case, an election is to be held. Then the Certification of Result is the final administrative act. N.J.A.C. 19:11-8.5(b). See also County of Gloucester v. PERC, 55 N.J. 333 (1970).

Based on the foregoing, the Public Employer's request for review is denied in its entirety, as are the request for a stay of the order directing an election and the request for oral argument.<sup>3/</sup> The election will be conducted within thirty (30) days hereof in conformity with the order of the Director of Representation.<sup>4/</sup>

BY ORDER OF THE COMMISSION

  
 Jeffrey B. Tener  
 Chairman

Chairman Tener, Commissioners Hartnett, Hipp, Schwartz and Graves voted for this decision. None opposed.

DATED: Trenton, New Jersey  
 September 19, 1978  
 ISSUED: September 20, 1978

<sup>3/</sup> It is noted that this matter was subject to a full hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

<sup>4/</sup> The Director has not conducted the election during the pendency of this request for review.