

P.E.R.C. NO. 24

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY

Public Employer

and

LOCAL 194, AMERICAN FEDERATION OF TECHNICAL  
ENGINEERS, AFL-CIO

Petitioner

and

Docket No. R-50

LOCAL 1511, AMERICAN FEDERATION OF STATE, COUNTY,  
AND MUNICIPAL EMPLOYEES, AFL-CIO<sup>1/</sup>

Intervenor

and

LOCAL UNION 723, AFFILIATED WITH INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN  
and HELPERS OF AMERICA

Intervenor

AMENDED DECISION AND DIRECTION OF ELECTION

On October 1, 1969 the Commission issued a Decision and Direction of Election (P.E.R.C. NO. 17) directing an election in a unit described as "all of the collectors and maintenance employees in the Operations Division of the New Jersey Turnpike Authority; but excluding part time employees, professional employees, craft employees, office clerical employees, policemen, managerial executives and supervisors within the meaning of the Act".

Thereafter the New Jersey Turnpike Authority, the American

<sup>1/</sup> By wire dated October 15, 1969, Local 1511, AFSCME, withdrew from participation in this case.

Federation of Technical Engineers and Teamsters Local Union 723 requested that the Commission reconsider its original Decision and Direction of Election and include craft employees in the unit found appropriate. All parties contend that the criteria set forth in the Act whereby craft employees may be included with noncraft employees, i.e., "established practice, prior agreement or unusual circumstances" is satisfied and that craft employees should, therefore, be included in the unit found to be appropriate without the craft employees voting for inclusion in such unit.

The Commission has decided to reconsider its Decision and on the facts in this case finds:

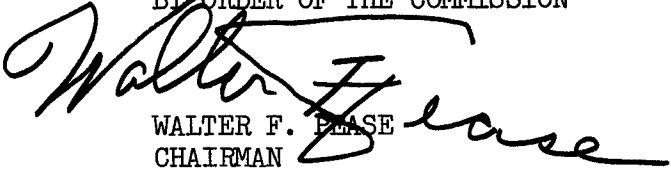
The Turnpike Authority negotiated agreements with the American Federation of State, County, and Municipal Employees from 1961 through 1964 which included craft employees in a unit of maintenance department employees. From 1964 to date, the New Jersey Turnpike Authority was prohibited from engaging in collective negotiations as a result of an injunction which issued in 1964; this condition was not altered until the passage of this Act on September 13, 1968. During the period of the injunction when the Authority could not engage in negotiations with any employee organization, it did meet, confer and process grievances with the employee organizations involved in this case.

Based upon the record as a whole, the Commission is satisfied that had there not been an injunction the practice of collective negotiations would have continued with one or more employee organizations and that such negotiations would have included the craft employees in a unit with noncraft employees in conformity with the prior practice and the Authority's personnel policies.

Based upon the facts peculiar to this case, the Commission finds "special circumstances" do exist within the meaning of the Act to warrant the inclusion of craft employees in the unit previously found appropriate without a separate election. Our finding is predicated upon the hiatus in negotiations occasioned by the 1964 injunction, but for which the practice of including craft with noncraft employees would have continued, and the agreement of all parties that craft employees should be included with noncraft employees. Accordingly, we hereby amend our prior determination to include craft employees so that the unit found appropriate herein is now described as: "All of the collectors and maintenance employees, including craft employees, in the Operations Division of the New Jersey Turnpike Authority; but excluding all part time employees, professional employees, office clerical employees, policemen, managerial executives and supervisors as defined in the Act."

The Direction of Election is further amended to provide that the election therein directed shall be conducted as soon as possible but no later than thirty (30) days from the date set forth below. In all other respects we affirm our earlier Decision and Direction of Election which issued October 1, 1969.

BY ORDER OF THE COMMISSION

  
WALTER F. PLASE  
CHAIRMAN

DATED: November 13, 1969  
Trenton, New Jersey