

P.E.R.C. NO. 2014-87

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF SALEM,

Respondent,

-and-

Docket No. CU-2013-030

SALEM COUNTY SURROGATE,

Respondent,

-and-

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1085,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the Communications Workers of America, Local 1085's request for review of the Deputy Director of Representation's dismissal of its clarification of unit petition. The CWA's petition sought the addition of two titles to the blue and white collar unit of County of Salem employees that it already represented. The Deputy Director found that the titles do not share a community of interest with the other titles represented by the CWA because they do not share a common employer. The Commission finds no compelling reason warranting that the Commission grant its request for review of the Deputy Director's determination.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Respondent, County of Salem, Evern D. Ford,  
County Administrator

For the Respondent, Salem County Surrogate, Gilmore &  
Monahan, attorneys (Andrea E. Wyatt, of counsel)

For the Petitioner, Communications Workers of America,  
Local 1085, Richard A. Dann, President

DECISION

On April 29, 2013, the Communications Workers of America, Local 1085, filed a Clarification of Unit petition seeking a determination that the titles Special Deputy Surrogate (SDS) and Special Probate Clerk (SPC) should be included in the blue and white collar unit of Salem County employees that it currently represented.

On January 10, 2014, after an administrative investigation was conducted, See N.J.A.C. 19:11-2.6(e), the Commission's Deputy Director of Representation dismissed CWA's petition. D.R. No. 2014-12, 40 NJPER 307 (¶117 2014).

CWA requests review of the Director's decision. The Salem County Surrogate opposes that request. The County took no position when the question was before the Deputy Director and has maintained that stance.

After listing the findings yielded by the administrative investigation, the Deputy Director reached these conclusions:

1. The Surrogate and the County were joint employers of the SDS and the SPC.
2. Except for issues relating to compensation, all terms and conditions of employment of the SDS and the SPC were within the sole control and direction of the surrogate.
3. The SPC and the SDS do not share a common employer (i.e. the Surrogate) with any other employees in the existing unit, thus mandating a finding that there is no community of interest among the SDS, the SDC and the other titles currently represented by CWA.

CWA does not challenge the joint employer finding. It asserts that the Deputy Director erred. Specifically, it asserts that for decades, the CWA unit has included employees and titles who work for the surrogate, thus undercutting the finding that the two titles sought to be added "do not share a common employer with County employees . . ." CWA argues that, even if the two titles do not have a common employer with the workers in the

negotiations unit represented by the CWA, it was error to hold that no community of interest was present or that factor mandated dismissal of the petition.

The Surrogate responds that CWA has not presented grounds warranting the grant of a request for review. It asserts that the Deputy Director's findings that the two disputed titles do not share a community of interest with the titles currently represented by the CWA and that the employees in the CWA unit do not work for the surrogate are fully supported by the record.

Under N.J.A.C. 19:11-8.2(a), a request for review of a Decision of the Director of Representation will be granted only for one or more of these compelling reasons:

1. A substantial question of law is raised concerning the interpretation or administration of the Act or these rules;
2. 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. The conduct of the hearing or any ruling made in connection with the proceeding may have resulted in prejudicial error; and/or
4. An important Commission rule or policy should be reconsidered.

We hold that CWA has not presented any compelling reason warranting that the Commission grant its request for review of the Director's determination.

ORDER

The Request for Review filed by the Communications Workers of America, Local 1085 is denied.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Voos and Wall voted in favor of this decision. Commissioner Jones voted against this decision.

ISSUED: June 26, 2014

Trenton, New Jersey