

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF CAMDEN
DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF FIRE
Public Employer

and

RO-14

INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS, LOCAL 788, AFL-CIO
Petitioner

CITY OF CAMDEN
DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF FIRE
Public Employer

and

RO-166

CAMDEN FIRE OFFICERS' ASSOCIATION
Petitioner

SUPPLEMENTAL DECISION AND CERTIFICATION OF REPRESENTATIVES

Pursuant to a Decision and Direction of Election dated February 25, 1971, (P.E.R.C. No. 52), secret ballot elections were conducted by the Commission on March 24, 1971 among the employees in the units described below. 1/ Following the election, the parties were served with tallies of ballots, which showed that of approximately 225 eligible voters in Voting Unit I, 177 votes were cast for the I.A.F.F. Local 788 and 5 against. Of 70 eligible voters in Voting Unit II, 37 votes were cast for the Camden Fire Officers' Association, and 31 against, with one challenged ballot.

On March 30, 1971, timely objections were filed with the Commission by Local 788.

The objections do not question the validity of the one election in which Local 788 participated; it won that election. Rather the objections contest the Commission's decision which led to elections in separate units of officers and firemen contrary to Local 788's position that one overall unit was appropriate. Since the objections do not complain of the conduct of the election in which Local 788 was

- 1/ Voting Unit I - All firemen employed by the City of Camden Fire Department, excluding office clerical, craft and professional employees, police, managerial executives, officers and supervisors within the meaning of the Act.
Voting Unit II - All officers employed by the City of Camden Fire Department but excluding firemen, the Chief and Deputy Chiefs, office clerical, craft and professional employees, police, managerial executives and other supervisors within the meaning of the Act.

a party or of conduct affecting the results of that election, the objections are hereby overruled.

However, the Commission wishes to comment on several points now raised by Local 788 but not treated in the original decision; to that extent the Commission, in its discretion, has treated the submission as a request for reconsideration of the earlier decision.

Local 788 states that the Commission fails to explain why a conflict of interest should not be found between or among officer ranks as was found between officers and firemen. Neither the Employer nor the Officers' Association urged that such an inquiry be made much less a finding, although both these parties contended for a finding of conflict similar to the one made. And certainly Local 788 urged no such inquiry or finding. Since none of the parties sought an examination of this area and since it was not necessary to a resolution of the case, the Commission did not pursue it. Nor will it now. Next questioned is the unit placement of firemen who are acting as officers. In view of the posture of this case at the first hearing and at the remand hearing, where the separation of officers from firemen was among the contentions, it would have been appropriate to raise this question then, yet no party did. Should the absence of resolution pose a problem at the negotiating table, Commission procedures provide the opportunity for clarification.

Local 788 states that at the hearing the parties were foreclosed from developing the "conflict" vs "community" of interest issue. The record reveals that, on remand, the Hearing Officer sought to limit testimony to the question of the supervisory status of officers and that Local 788 objected to the Employer's attempt to demonstrate a conflict of interest. Beyond that aspect is the fact however that subsumed within the supervisory issue is the problem of conflict vs. community of interest. The Commission is satisfied that examination of one area illuminates the other and that the record here clearly establishes a conflict situation.

The final statement of Local 788 is that the Commission, having found two units appropriate and having denied to Local 788 the right to participate in the officers' election, failed to afford the parent organization the opportunity to form a separate local for officers, which then presumably would have tried to participate in the officers' election. No evidence exists to support this statement. The Commission has no control over the formation of any local. No communication was made to the Commission, or petition filed with it, asking permission for a separate local to be placed on the officers' ballot. Moreover, the Employer had consistently taken the position that it would recognize separate locals for officers and firemen, yet there is no record of compliance with that request or acceptance of that condition. The contention is without merit.

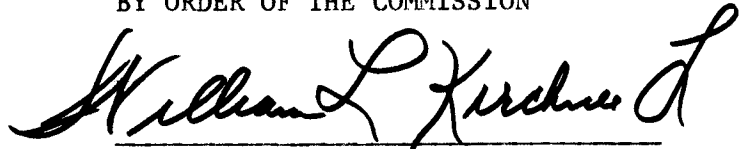
Finding no basis or cause for modification of its original decision, the Commission will certify the majority choice in each unit.

CERTIFICATION OF REPRESENTATIVES

IT IS HEREBY CERTIFIED that Local 788, International Association of Fire Fighters, AFL-CIO has been designated and selected by a majority of the employees of the above-named Public Employer, in the unit of all firemen employed by the City of Camden Fire Department, excluding office clerical, craft and professional employees, police, managerial executives, officers and supervisors within the meaning of the Act, as their representative for the purpose of collective negotiations; and that pursuant to the New Jersey Employer-Employee Relations Act of 1968, the said organization is the exclusive representative of all employees in such unit for the purpose of collective negotiations with respect to terms and conditions of employment.

IT IS HEREBY CERTIFIED that Camden Fire Officers' Association has been designated and selected by a majority of the employees of the above-named Public Employer, in the unit of all officers employed by the City of Camden Fire Department excluding firemen, the Chief and Deputy Chiefs, office clerical, craft and professional employees, police, managerial executives and other supervisors within the meaning of the Act, as their representative for the purpose of collective negotiations; and that pursuant to the New Jersey Employer-Employee Relations Act of 1968, the said organization is the exclusive representative of all employees in such unit for the purposes of collective negotiations with respect to terms and conditions of employment.

BY ORDER OF THE COMMISSION



William L. Kirchner, Jr.
Acting Chairman

DATED: June 16, 1971
Trenton, New Jersey