

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of

CITY OF JERSEY CITY

-and-

LOCAL 1959, AMERICAN FEDERATION OF STATE, COUNTY
and MUNICIPAL EMPLOYEES, AFL-CIO

-and-

LOCAL NO. 428, NEW JERSEY NURSING AND
HOSPITAL EMPLOYEES, DIVISION OF LDIU, AFL-CIO

DECISION AND DIRECTION OF ELECTION

Pursuant to a Notice of Hearing to resolve a question concerning the representation of certain employees of the City of Jersey City, hearings were held before ad hoc Hearing Officer Joseph F. Wildebush. On April 24, 1969, the ad hoc Hearing Officer, in accordance with the agreement of the parties, issued his Findings of Fact and Recommendations. No Exceptions have been filed to the Hearing Officer's Findings of Fact and Recommendations. The Commission has considered the Hearing Officer's Findings of Fact and Recommendations and finds:

1. The City of Jersey City is a public employer within the meaning of Section 3 (c) of the Act and is subject to the provisions of the Act.
2. Local 1959, American Federation of State, County and Municipal Employees, AFL-CIO and Local No. 428, New Jersey Nursing and Hospital Employees Division of LDIU, AFL-CIO are employee representatives within the meaning of Section 3 (e) of the Act.

3. The public employer having refused to recognize any of the employee representatives as the exclusive representative of certain employees, a question concerning the representation of public employees exists and the matter is appropriately before the Commission for determination.
4. The Hearing Officer's Findings of Fact and Recommendations, attached hereto and made a part hereof, are adopted, except as modified herein.
5. In accordance with the agreement of the parties the Hearing Officer recommended that the appropriate unit should consist of all non-supervisory blue-collar employees employed at the employer's Jersey City Medical Center as set forth in Appendix A, attached hereto. Section 8 (d) of the Act provides that except where dictated by established practice, prior agreement or special circumstances, no unit shall be appropriate which includes "both craft and non craft employees unless a majority of such craft employees vote for inclusion in such unit". Appendix A includes certain trade helpers who may or may not be "craft employees" within the meaning of the Act. Inasmuch as the record evidence fails to reveal whether or not such employees are "craft employees" the Commission will permit the employees employed in those positions listed in Appendix B to vote subject to challenge without resolving their status at this time. The Commission therefore finds appropriate a unit of "all blue-collar employees at the Jersey City Medical Center, excluding craft

employees, professional employees, supervisors within the meaning of the Act and other employees".

In accordance with the above the Commission hereby directs that an election by secret-ballot shall be conducted among the employees in the unit found appropriate. The election shall be conducted as soon as possible but not later than thirty (30) days from the date set forth below.

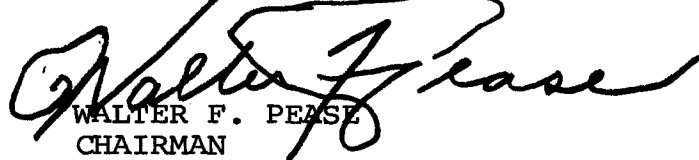
Eligible to vote are all employees listed in Section 5 who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period because they were ill, or on vacation, or temporarily laid off, including those in military service. Employees must appear in person at the polls in order to be eligible to vote. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

Those eligible to vote shall vote whether they desire to be represented for the purposes of collective negotiations by Local No. 428, New Jersey Nursing and Hospital Employees, Division of LDIU, AFL-CIO; Local 1959, American Federation of State, County and Municipal Employees, AFL-CIO; or neither.

The majority representative, if any, shall be determined by a majority of the valid ballots cast. If none of the choices in the election receives a majority of the valid ballots cast, there shall be

one run-off election between the two choices receiving the largest and second largest number of votes.

BY ORDER OF THE COMMISSION


WALTER F. PEASE
CHAIRMAN

DATED: June 13, 1969
Trenton, New Jersey

APPENDIX A

JERSEY CITY MEDICAL CENTER

Page 1

BLUE COLLAR

AMBULANCE DRIVER

ANESTHESIA TECHNICIAN

AUTOCLAVE OPERATOR

BASAL METABOLISM TECHNICIAN

BOILER ROOM ATTENDANT

BRICKLAYER HELPER

CARPENTER HELPER

CENTRAL SUPPLY AIDE

CHAUFFEUR

CLOAK ROOM ATTENDANT

ELECTRICIAN HELPER

ELECTROCARDIOGRAPH TECHNICIAN

ELECTROENCEPHALOGRAPH TECHNICIAN

ELEVATOR OPERATOR

EXTERMINATOR

FORMULA ROOM ATTENDANCE

GARAGE ATTENDANT

HISTOLOGY TECHNICIAN

HOSPITAL ATTENDANT

INHALATION THERAPIST

IRONWORKER HELPER

LABORATORY ASSISTANT

LABORATORY TECHNICIAN

LABORER

APPENDIX A

2.

MAINTENANCE REPAIRMAN
MAINTENANCE REPAIRMAN (TRADES)
MASON HELPER
MASON & PLASTERER HELPER
MEDICAL TECHNOLOGIST
MORGUE ATTENDANT
MORGUEKEEPER
NURSES AIDE
OILER
OPERATING ROOM TECHNICIAN
ORTHOPEDIC AIDE
PAINTER HELPER
PHARMACY HELPER
PHYSICAL THERAPY AIDE
PLASTERER HELPER
PLUMBER HELPER
RADIOISOTOPE TECHNICIAN
RADIOTHERAPY TECHNICIAN
REFRIGERATION MECHANIC HELPER
SEAMSTRESS
SENIOR AUTOCLAVE OPERATOR
SENIOR CENTRAL SUPPLY AIDE
SENIOR ELECTROCARDIOGRAPH TECHNICIAN
SENIOR ELECTROENCEPHALOGRAPH TECHNICIAN
SENIOR HOSPITAL ATTENDANT

APPENDIX A

3.

SENIOR LABORATORY TECHNICIAN
SENIOR MAINTENANCE REPAIRMAN
SENIOR MAINTENANCE REPAIRMAN (TRADES)
SENIOR MEDICAL TECHNOLOGIST
SENIOR PHARMACY HELPER
SENIOR STOCK HANDLER
SENIOR X-RAY TECHNICIAN
STEAMFITTER HELPER
STOCKHANDLER
TRUCK DRIVER
UPHOLSTERER
X-RAY TECHNICIAN
X-RAY ASSISTANT

APPENDIX B

BRICKLAYER HELPER

CARPENTER HELPER

ELECTRICIAN HELPER

IRONWORKER HELPER

MAINTENANCE REPAIRMAN (TRADES)

MASON HELPER

MASON & PLASTERER HELPER

OILER

PAINTER HELPER

PLASTERER HELPER

PLUMBER HELPER

REFRIGERATION MECHANIC HELPER

STEAMFITTER HELPER

SENIOR MAINTENANCE REPAIRMAN (TRADES)

In the Matter of the Claim of Representation of
Employees of the City of Jersey City

FINDINGS OF FACT
and
RECOMMENDATIONS

INTERESTED PARTIES

City of Jersey City
Honorable Thomas J. Whelan, Mayor
City Hall
Jersey City, New Jersey 07302

Represented By:
Francis X. Hayes, Esq. - 1st Asst. Corp. Counsel
Raymond A. Kierce, Director of Personnel

Local No. 1959, AFSCME, AFL-CIO
1 Foye Place
Jersey City, New Jersey 07303

Represented By:
Robert C. Murphy, President
Daniel Sullivan, Int'l. Representative

Local No. 245, Jersey City Public Employees Incorporated
377 Fulton Avenue
Jersey City, New Jersey 07306

Represented By:
John W. Yengo, Esq.
Thomas DeCarlo, President

House Staff Association of Jersey City Medical Center
% Fox, Yanoff and Fox, Esqs.
570 Broad Street
Newark, New Jersey 07102

Represented By:
Jacob Fox, Esq.

United Nurses Organization of Jersey City
% Philip Feintuch, Esq.
921 Bergen Avenue
Jersey City, New Jersey 07306

Represented By:
Philip Feintuch, Esq.
Mrs. Eleanor Moore, President

Stationary Engineers Local No. 68, AFL-CIO
509 Orange Street
Newark, New Jersey

Represented By:
Victor J. Parsonnet, Esq.
Vincent Giblon, Business Agent

Local No. 428, New Jersey Nursing and Hospital Employees
Division of LDIU, AFL-CIO
660 Newark Avenue
Jersey City, New Jersey 07306

Represented By:
Friedland, Schneider & Friedland, Esqs.
Jacob Friedland, Esq. of Counsel
Abraham Scolomon, Business Agent

Local No. 142, Office & Professional Workers, AFL-CIO
591 Summit Avenue
Jersey City, New Jersey

Represented By:
Friedland, Schneider & Friedland, Esqs.
Jacob Friedland, Esq. of Counsel
David Solomon, Organizer

The Interim Report dated March 24, 1969 previously submitted to all interested parties is hereby incorporated by reference in this report.

At the fourth hearing held on April 11, 1969, at the New Jersey State Board of Mediation, Newark, New Jersey, the only remaining issues left were resolved by consent of the parties. The parties stipulated to a consent election. The units were to be divided into two units, as represented by the City's exhibits numbered JC-7 and JC-8. Exhibit JC-7 comprised the White Collar employees at Jersey City Medical Center; JC-8 comprised the Blue Collar employees at Jersey City Medical Center.

The only Unions involved at the time of the consent agreement were Local No. 142, Office & Professional Workers International Union, AFL-CIO; Local No. 428, New Jersey Nursing and Hospital Employees, Division of LDIU, AFL-CIO; and Local No. 1959, Hudson County, American Federation of State, County and Municipal Employees' Union, AFL-CIO.

The parties agreed at the hearing on April 11, 1969 that Local No. 428 and Local No. 1959 were to appear on the ballot covering the blue collar unit; and Local No. 142 and Local No. 1959 were to appear on the ballot covering the white collar unit. All units are part of the Jersey City Medical Center. Jacob

Friedland, Esq. counsel for both Local No. 428 and Local No. 142 agreed that with respect to Local No. 142 he would examine the number of cards he has, and if they do not comprise a sufficient number to show an interest in the white collar unit, he would withdraw Local No. 142 as an interested party in these proceedings.

Subsequently, by letter dated April 15, 1969, Mr. Friedland did withdraw Local No. 142 from any interest in the representation election, leaving Local No. 1959 as sole interested Union. Local No. 1959 did submit authorization and check off cards to the City of Jersey City to substantiate its claim of representing the majority of the white collar employees in the Jersey City Medical Center, and the City of Jersey City agreed to recognize Local No. 1959 as the bargaining agent for the white collar employees at Jersey City Medical Center.

The sole remaining consent election coming out of the April 11, 1969 hearing involves the election between Local No. 1959 and Local No. 428 to determine who shall represent the blue collar employees in the Jersey City Medical Center. These two Union locals, through their representatives, desire to have the New Jersey Public Employment Relations Commission to conduct this election. The representatives have agreed on the list of non-supervisory Blue Collar positions that exist at the Jersey City Medical Center. This list has been read into the record of the hearing held on April 11, 1969, and a copy of such list is being attached hereto for the benefit of the New Jersey Public Employment Relations Commission since the record of the above hearing has not yet been transcribed.

The Hearing Officer makes the following Findings of Fact:

(1) House Staff Association of Jersey City Medical Center.

This was covered in the Interim Report of the Hearing Officer dated March 24, 1969. The City of Jersey City has recognized this unit of physicians for bargaining purposes. There is no other organization expressing an interest in this unit.

(2) Stationary Engineers, Local No. 68, AFL-CIO.

This was covered in the Interim Report of the Hearing Officer dated March 24, 1969. The City of Jersey City has recognized this craft union for bargaining purposes covering stationary engineers and licensed firemen. No other organization expressed any interest in this unit.

(3) United Nurses Organization of Jersey City.

This was covered in the Interim Report of the Hearing Officer. An election is required because the nurses' organization seeks to have professional nurses and licensed practical nurses (non-professional) in the same unit. The nurses' organization and the City of Jersey City have agreed on the eligibility requirements. Both parties are awaiting action from the New Jersey Public Employment Relations Commission in setting up the election.

(4) Local No. 245, Jersey City Public Employees Incorporated and Local No. 1959, AFSCME, AFL-CIO.

This was covered in the Interim Report of the Hearing Officer dated March 24, 1969. An election is required, through the New Jersey Public Employment Relations Commission, to determine which of these two labor organizations shall represent the white collar and blue collar employees of the Department of Public Works, City of Jersey City. The two labor organizations and the City of Jersey City have stipulated the eligibility requirements. The parties are awaiting action from the New Jersey Public Employment Relations Commission in setting up the election.

(5) The City of Jersey City has recognized Local No. 1959, AFSCME as the bargaining representative for non-supervisory white collar and blue collar employees employed at City Hall and the Agencies of the Mayor. No other organization expressed an interest in this unit.

(6) Local No. 142, Office & Professional Workers, International Union, AFL-CIO.

This local union withdrew from consideration as an interested party by letter dated April 15, 1969 as to any interest

in representing the white collar employees at the Jersey City Medical Center. As a result of this withdrawal, the only other organization claiming an interest in these employees is Local No. 1959.

(7) Local No. 1959, AFSCME, AFL-CIO.

As the result of the withdrawal of Local No. 142, Office & Professional Workers, AFL-CIO, from any interest in representing the white collar employees at the Jersey City Medical Center, the Hearing Officer has been informed by the City of Jersey City and by Local No. 1959, that the City of Jersey City has recognized Local No. 1959 as the collective bargaining representative of the white collar employees at the Jersey City Medical Center. Local No. 1959 had previously submitted signed authorization and check off cards to the City of Jersey City indicating that a majority of the white collar employees at the Jersey City Medical Center desired to be represented in collective bargaining by Local No. 1959.

(8) Local No. 428, New Jersey Nursing and Hospital Employees, Division of LDIU, AFL-CIO, and Local No. 1959, Hudson County, American Federation of State, County and Municipal Employees' Union, AFL-CIO.

As previously reported, the parties agreed to a consent election covering blue collar employees. The eligibility of those entitled to vote has been agreed upon by these two organizations and the City of Jersey City. The election is to be conducted by the New Jersey Public Employment Relations Commission.

The Hearing Officer makes the following Recommendations:

(1) Elections should be conducted by the New Jersey Public Employment Relations Commission as indicated in Findings of Fact numbered 3, 4, and 8.

(2) No other action is required by the New Jersey Public Employment Relations Commission.

NOTICE IS HEREBY GIVEN to all interested parties mentioned above that Exceptions to the Findings of Fact, and to the Recommendations of the Hearing Officer must be filed within ten (10) days with Louis S. Wallerstein, Esq. Executive Director, New Jersey Public Employment Relations Commission, % New Jersey State Department of Labor, Post Office Box V, Trenton, New Jersey 08625.

DATED: April 24, 1969



JOSEPH F. WILDEBUSH
HEARING OFFICER