

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF REPRESENTATION

In the Matter of

MATAWAN REGIONAL SCHOOL DISTRICT
BOARD OF EDUCATION,

Public Employer-Petitioner,

-and-

MATAWAN REGIONAL TEACHERS
ASSOCIATION,

Docket Nos. RE-77-8

and RE-77-9

Employee Representative,

-and-

LOCAL 11, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,

Employee Representative.

SYNOPSIS

The Director of Representation dismisses two employer representation petitions which are not timely filed pursuant to the Commission's rules.

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Appearances:

For the Board of Education, Gerald DerDorP, AP.A.
(Mr. Richard M. Salsberg, of Counsel)

For the M.R.T.A., Emil Oxfeld, Esq.

For Local 11, Messrs. Schneider, Cohen &
Solomon, Esqs.
(Mr. Bruce Brafman, of Counsel)

DECISION

On June 21, 1977, the Matawan Regional School District Board of Education (the "Board") filed two Petitions for Certification of Public Employee Representative with the Public Employment Relations Commission (the "Commission") raising questions as to the majority status of the exclusive negotiations representative of employees in units consisting of Custodial and Maintenance Staff (Docket No. RE-77-8) and Bus Drivers (Docket No. RE-77-9). The Board stated in its Petitions that the current

"majority" (i.e. exclusive) representative of both units was the International Brotherhood of Teamsters, Local #11 ("Local 11") and that the current contracts covering the employees in the units would both expire June 30, 1977. The Board listed the Matawan Regional Teachers Association (the "Association") as an employee organization which claimed to represent the employees in the above-described units. The Board seeks secret ballot elections in which employees in the units would resolve the question concerning representation.

N.J.A.C. 19:11-2.8(c)(3) (formerly, N.J.A.C. 19:11-1.15(c)(3)) precludes the filing of a Petition for Certification of Employee Representative during the existence of a negotiations agreement except when filed between September 1 and October 15 within the last twelve months of the agreement. Therefore, in accordance with the Commission's Rules it appears that the instant petitions have not been timely filed.^{1/}

Accordingly, in the absence of a request for withdrawal, the instant Petitions are hereby, pursuant to N.J.A.C. 19:11-2.3, dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Carl Kurtzman, Director
of Representation

DATED: September 8, 1977
Trenton, New Jersey

^{1/} For a more complete discussion as to these matters and other companion matters, see In re Matawan Regional School District Bd. of Ed., D.R. No. 78-11, 3 NJPER ___ (1977), issued this day.