

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

In the Matter of

NEWARK BOARD OF EDUCATION,

Public Employer,

-and-

NEWARK BOARD OF EDUCATION UNION
LOCAL NO. 190, AFL-CIO,

DOCKET NO. RO-76-82

Petitioner,

-and-

LOCAL 617, SERVICE EMPLOYEES
INTERNATIONAL UNION,

Party-at-Interest.

SYNOPSIS

The Director of Representation dismisses a Petition for Certification of Public Employee Representative after finding that the Petitioner no longer exists. The administrative investigation reveals that the Petitioner has been merged into another employee organization, and no party has replied to Commission inquiries regarding the continued viability of the Petition.

D.R. NO. 79-14

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LOCAL 617, SERVICE EMPLOYEES
INTERNATIONAL UNION,

Party-at-Interest.

Appearances:

For the Public Employer,
Cecil Banks, Esq.

For the Petitioner,
Daniel Richards, Esq.

For the Party-at-Interest
Max Wolf, Coordinator

DECISION

On November 24, 1975, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission") by the Newark Board of Education Union Local No. 190, AFL-CIO (the "Petitioner") with

respect to a proposed unit of professional medical staff employees employed by the Newark Board of Education (the "Board").

The matter was assigned to a Commission staff member for administrative investigation and a notice of hearing was issued in May 1976, but the scheduled hearing was postponed at the request of the parties. The investigation further reflects that the Petitioner was not an independent organization, but was actually Local 190 of the Service Employees International Union.

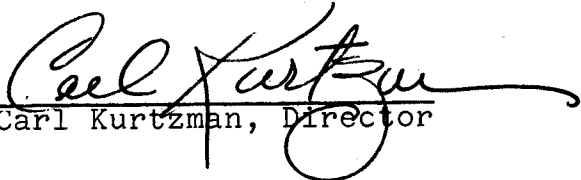
On July 7, 1976, Local 617, Service Employee International Union ("Local 617") advised the Hearing Officer in writing that the Petitioner had been merged into Local 617 by order of the International Union. Local 617 then requested that it be substituted for the Petitioner on all matters before the Commission. Petitioner disputed the alleged merger, and requested that the Petition herein be held in abeyance while the dispute was being resolved.

By letters dated June 29, 1977 and September 6, 1977, the undersigned requested the Petitioner to advise the Commission of the status of this matter. Petitioner responded that it was "still interested in pursuing" the matters. Accordingly, on October 27, 1977, the undersigned designated Commission Hearing Officer Arnold H. Zudick to conduct hearings into the matters and allegations involved in the Petition. The Hearing Officer, having been advised by the parties that the merger issue had been scheduled for hearing before a Federal Judge in February 1978, post-

poned hearings which were scheduled to commence in November 1977. On September 26, 1978, the Commission was advised by the Petitioner that it no longer existed as a separate entity and was merged into Local 617.

By letter dated September 20, 1978, both the attorney for the Petitioner, and representatives of Local 617 and the Board were advised that they or any interested party had seven (7) days within which to advise the Commission of their positions regarding the continued viability of the instant matter, and that failure to respond may result in dismissal of this Petition. No party has responded to the September 29 inquiry. Therefore, in accordance with the terms set forth therein, the undersigned concludes that the instant Petition does not present a valid question concerning the representation of employees and the Petition is hereby dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: December 8, 1978
Trenton, New Jersey