

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

In the Matter of

HUDSON COUNTY BOARD OF  
CHOSEN FREEHOLDERS,

Public Employer,

-and-

INTERNATIONAL ASSOCIATION OF  
FIRE FIGHTERS,

Docket No. RO-77-190

Petitioner,

-and-

TEAMSTERS LOCAL NO. 286,

Intervenor.

SYNOPSIS

The Director of Representation, pursuant to the Commission's timeliness rule, N.J.A.C. 19:11-2.8, dismisses, as untimely, a Petition for Certification filed by the IAFF. The IAFF seeks to represent a proposed collective negotiations unit of all County firefighters. The Director finds that these employees are presently included in a unit represented by Teamsters Local No. 286 and are covered by written agreement pursuant to a 1976 arbitrator's award extending and modifying a 1974-1975 agreement between the County and Local 286 through 1978.

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Appearances:

For the Public Employer, Messrs. Murray, Meagher &  
Granello, Esqs.

(John Meagher, of Counsel)

For the Petitioner, Mr. Keith Nicolliello

For the Intervenor, Mr. Louis Duva, President

DECISION

On June 9, 1977 <sup>1/</sup> a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by the International Association of Fire Fighters (the "IAFF"). The IAFF seeks a secret ballot election to determine the representative of employees in a proposed unit consisting of all fire fighters and captains employed by Hudson County. A request to intervene filed by Teamsters Local 286 (Local

1/ The petition was subsequently amended on July 1 and July 5, 1977.

286"), which claims to represent the County institutional firemen, has been granted.

In accordance with N.J.A.C. 19:11-2.2, the undersigned caused an investigation to be conducted into the matters and allegations set forth in the petition to determine the facts. All parties were advised of their obligations under N.J.A.C. 19:11-2.6, and were afforded an opportunity thereunder to present documentary and other evidence, as well as statements of position, relating to the Petition. On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after a hearing. Pursuant to N.J.A.C. 19:11-2.6(b)(3) there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Hudson County Board of Chosen Freeholders is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1.1 et seq., as amended (the "Act"), is the employer of employees involved herein, and is subject to the Act's provisions.

3. International Association of Fire Fighters and Teamsters Local No. 286 are employee representatives within the meaning of the Act and are subject to its provisions.

4. A Petition for Certification of Public Employee Representative having been filed, and the parties not having consented to a secret ballot election, a question concerning representation exists, and the matter is appropriately before the undersigned for determination.

5. Both the County and Local 286 assert that the petitioned-for employees are represented by Local 286 and are currently covered by a collective negotiations agreement. In this regard, Local 286 has provided the Commission with a copy of an arbitrator's decision dated July 3, 1976 setting forth certain terms and conditions of employment for contract years 1976, 1977 and 1978, and a County resolution, dated July 22, 1976, which provides that the collective negotiations agreement between the County and Local 286 expiring December 31, 1975, be extended and modified in accordance with the arbitrator's award. Institutional Firemen are included in the recognition clause of the 1974-1975 agreement.

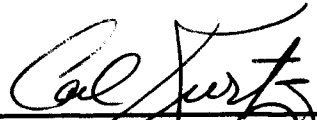
6. N.J.A.C. 19:11-2.8(c)(2), provides generally that a petition shall not be considered timely filed during the period of an existing written agreement unless it is filed 90 to 120 days prior to the expiration of the agreement.

7. On August 24, 1977, the undersigned advised all parties of the above information and stated that, based on the administrative investigation, it appeared that the instant petition was not filed in accordance with the Commission's timeliness rule, N.J.A.C. 19:11-2.8(c). The Petitioner was requested to withdraw the Petition or in the alternative to provide, pursuant to N.J.A.C. 19:11-2.6, documentary and other evidence, including statements of position concerning the timeliness of the instant petition, which would raise substantial and material factual issues that would warrant the convening of a hearing. The Petitioner was further advised that, in the absence of a request for withdrawal, and in the absence of substantial and material factual issues, the undersigned intended to dismiss the instant petition. To date, the undersigned has not received any further communications from the parties.

Accordingly, on the basis of the administrative investigation to date, and in the absence of substantial and material factual issues in dispute, and in the absence of a withdrawal request, the undersigned shall dismiss the instant petition.

8. Accordingly, for the reasons stated above, the instant Petition is hereby dismissed.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION



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Carl Kurtzman, Director  
of Representation

DATED: September 29, 1977  
Trenton, New Jersey