

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

In the Matter of

MIDDLESEX COUNTY BOARD OF  
SOCIAL SERVICES,

Public Employer,

-and-

DOCKET NO. CU-81-64

JOHN CUSTODE,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a Petition for Clarification of Unit filed by an individual. The Commission's rules provide that clarification of unit petitions may only be filed by a public employer or an exclusive representative of employees.

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DECISION

On April 4, 1981, a Petition for Clarification of Unit was filed with the Public Employment Relations Commission (the "Commission") by John Custode seeking to "clarify the proper bargaining unit to represent the title 'Homemaker Service Supervisor.'" Petitioner asserts that the above title is currently included in a negotiations unit of non-administrative personnel employed by County Board of Social Services, which is currently represented by the Communications Workers of America, Local 1082. Mr. Custode claims that the title of Homemaker Service Supervisor is improperly placed in the above unit and should be included in another negotiations unit of administrative employees represented by the Middlesex County Welfare Administrative Employees Organization.

N.J.A.C. 19:11-1.5(a) provides in pertinent part: "The exclusive representative or the public employer may file a Petition

for Clarification of Unit." An individual is precluded from filing this type of Petition.

On May 6, 1981, the undersigned's assigned representative advised Mr. Custode of the above, and requested that he withdraw the Petition. Custode was advised that in the absence of his withdrawal, the undersigned would consider the dismissal of the Petition. Custode was informed that "either the C.W.A., Local 1082 could petition the Commission to exclude your title from its unit or the Middlesex County Welfare Administrative Employees Organization could petition to include your title within its unit, or the Welfare Board could petition the Commission to have the appropriate unit placement of the title clarified."

Further, Custode was informed that he could "contact any of the aforementioned parties and suggest that they seek clarification of the title." Copies of this correspondence were provided to the employer and the above employee representatives.

Custode has not withdrawn the Petition as requested. Based upon the Commission's rules, the undersigned must conclude that the Petition is improperly filed, and therefore, the Petition is hereby dismissed pursuant to N.J.A.C. 19:11-2.3.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Carl Kurtzman, Director

DATED: August 4, 1981  
Trenton, New Jersey