

D.R. NO. 2000-4

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

In the Matter of

HOWELL TOWNSHIP BOARD OF EDUCATION,

Public Employer,

-and-

HOWELL TEACHERS' ASSOCIATION,

Docket No. CU-99-42

Employee Representative,

-and-

MICHAEL CRIVELLI,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a unit clarification petition filed by a custodial employee of the Howell Township Board of Education. Pursuant to N.J.A.C. 19:11-1.5, such petitions may only be filed by the public employer or the exclusive representative, not by individual employees.

D.R. NO. 2000-4

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

In the Matter of

HOWELL TOWNSHIP BOARD OF EDUCATION,

Public Employer,

-and-

HOWELL TEACHERS' ASSOCIATION,

Docket No. CU-99-42

Employee Representative,

-and-

MICHAEL CRIVELLI,

Petitioner.

Appearances:

For the Public Employer
Dr. Charles Kuzminski, Superintendent

For the Employee Representative
William O'Brien, President

For the Petitioner
Michael Crivelli, pro se

DECISION

On May 7, 1999, Michael Crivelli, a maintenance employee of the Howell Township Board of Education (Board), filed a petition for Clarification of Unit with the Public Employment Relations Commission (Commission) seeking to remove three employees from the collective negotiations unit of custodial and maintenance employees represented by the Howell Teachers Association (Association). Crivelli's petition contends that the three employees are supervisors.

More specifically, Crivelli asserts that Kenneth Jones, Sr., is an acting supervisor with the authority to hire, fire, transfer and evaluate employees and, therefore, his inclusion in the same negotiations unit with the custodians he supervises is illegal.

Crivelli further alleges that Jones violated N.J.S.A. 18A:12-25 by failing to file a financial disclosure statement and violated Board policies limiting family members from working together.

No facts were asserted with regard to the other two alleged supervisors.

* * *

N.J.S.A. 34:13A-6 empowers the Commission to determine the appropriate unit in the event of a dispute between the parties. A petition for Unit Clarification is the vehicle by which such disputes are brought to the Commission's attention. N.J.A.C. 19:11-1.5. In Clearview Reg. Bd. of Ed., D.R. No. 78-2, 3 NJPER 248 (1977), we explained that a clarification of unit petition is appropriate:

...to resolve questions concerning the scope of a collective negotiations unit within the framework of provisions of the Act, the unit definition contained in a Commission certification, or as set forth in the parties' recognition agreement.... Typically, a clarification is sought as to whether a particular title is contemplated within the scope of the unit definition and the matter relates primarily to identification.

However, N.J.A.C. 19:11-1.5(c) provides,

The exclusive representative or the public employer may file a petition for clarification of unit.

Accordingly, individual employees do not have standing to file such petitions. See State of New Jersey (Dept. of Corrections), 23 NJPER 526 (¶28254 1997). In this case, only the Board or the Association would have standing to file a clarification of unit petition.

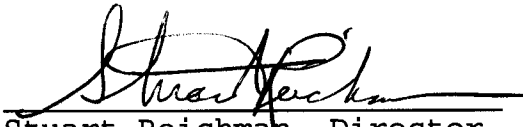
By letter dated June 28, 1999, we advised Crivelli of his lack of standing to file this petition, and we invited him to withdraw it.^{1/} No withdrawal nor any further submissions have been received. Accordingly, I find that Crivelli has no standing to file the instant petition for clarification of unit.

With regard to Crivelli's claims that unit member Jones is violating Title 18A and/or the Board policy, this Commission has no jurisdiction over those issues.

ORDER

The petition for unit clarification is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Stuart Reichman, Director

DATED: October 29, 1999
Trenton, New Jersey

^{1/} We also advised Crivelli that individual employees may allege violations of the New Jersey Employer-Employee Relations Act by filing unfair practice charges. See N.J.S.A. 34:13A-5.4 and N.J.A.C. 19:14-1 et. seq.