

D.R. NO. 93-2

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

In the Matter of

PASSAIC COUNTY JUDICIARY,

Public Employer,

-and-

PROBATION ASSOCIATION OF  
NEW JERSEY,

Docket No. RO-92-194

Petitioner,

-and-

OPEIU, LOCAL 153,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a representation petition seeking to sever a unit of probation investigators from a larger unit of "clerical and administrative employees."

No facts suggest that severance is appropriate under Jefferson Tp. Bd. of Ed., P.E.R.C. No. 61 (1971) standards. Accordingly, the petition was dismissed.

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Appearances:

For the Public Employer  
Administrative Office of the Courts  
(Joan Kane Josephson, Chief, Labor Relations)

For the Petitioner  
Peter Tortoreto, President

For the Intervenor  
Schneider, Cohen, Solomon, Leder & Montalbano, attorneys  
(Bruce D. Leder, of counsel)

DECISION

On June 12, 1992, the Probation Association of New Jersey ("PANJ") filed a Petition for Certification of Public Employee Representative to represent a unit of probation investigators employed by the Passaic County Judiciary. The petition was timely filed, was accompanied by a sufficient showing of interest and seeks to sever an existing unit of "all clerical and administrative employees."

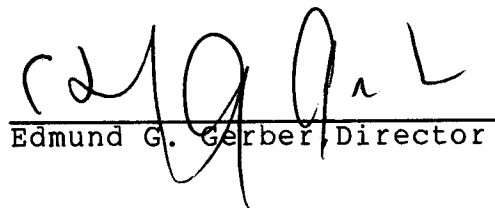
We have conducted an administrative investigation and the following facts appear. The petitioning employees are currently included in a broad-based judiciary employee unit of "all clerical and administrative employees" represented by OPEIU, Local 153. Excluded are County employees, probation officers and others. The most recent collective negotiations agreement expired in 1991.

On June 23, 1992, we advised the parties that the severance of a group of employees from an existing unit is appropriate only when there is a "record of unstable labor-management relations or when the majority representative has not responsibly represented its unit employees." Jefferson Tp. Bd. of Ed., P.E.R.C. No. 61 (1971); Tp. of Irvington, D.R. No. 92-1, 17 NJPER 365 (¶22170 1991). We further advised that unless examples of either or both requirements were filed by July 8, 1992, the petition would be dismissed.

PANJ has not filed examples of either requirement and the Judiciary and OPEIU, Local 153 have objected to the severance.

No facts suggest that severance is appropriate. Accordingly, the petition is dismissed.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Edmund G. Gerber, Director

DATED: July 17, 1992  
Trenton, New Jersey