

D.R. NO. 91-34

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

In the Matter of

TOWNSHIP OF TEANECK,

Public Employer,

-and-

Docket No. CU-90-35

TEANECK PROFESSIONAL FIRE
OFFICERS ASSOCIATION, FMBA LOCAL 242,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a clarification of unit petition brought by the Teaneck Professional Fire Officers Association. The petition sought to add deputy chiefs to an existing unit of lieutenants and captains. The existing unit was in existence for 19 years. The purpose of a clarification of unit petition is to identify employees who were intended to be included in a recently certified unit or to place recently created titles into the appropriate unit. A clarification of unit petition is not appropriate here.

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Appearances:

For the Public Employer
Grotta, Glassman & Hoffman, attorneys
(Judith S. Miller, of counsel)

For the Petitioner
Loccke & Correia, attorneys
(Michael Rappa, of counsel)

DECISION

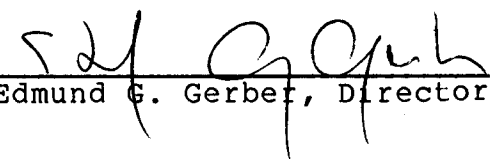
The Professional Fire Officers Association of Teaneck, FMBA Local 242 ("FMBA") filed a Clarification of Unit Petition seeking to include deputy chiefs in an existing unit of lieutenants and captains employed by the Township of Teaneck ("Teaneck"). The Township opposes the petition arguing that the deputy chiefs are managerial executives who may not be included in any negotiations unit. In the alternative, the Township asserts that the deputy chiefs are supervisory employees whose interests conflict with those of the lieutenants and captains and therefore cannot be included in the same unit.

No substantial and material facts appear to be in dispute that would warrant convening a hearing.^{1/} N.J.A.C. 19:11-2.2 and 2.6.

The Professional Fire Officers Association of Teaneck was first certified to represent the fire officers of Teaneck in 1972. The current collective negotiations agreement runs from January 1989 through December 1991.

In Clearview Reg. H.S. Bd. of Ed., D.R. No. 78-2, 3 NJPER 248 (1977), we held that a petition for clarification of unit may not normally be used to enlarge the scope of an existing unit to include previously unrepresented employees. The clarification of unit procedure is for the purpose of identifying unit employees who were intended to be included in the unit definition of a recently certified unit. Accordingly, it is expected that a clarification of unit petition would be filed shortly after the establishment of a collective negotiations unit and at the very latest, the petition must be filed prior to the execution of the parties' second agreement following certification. Rutgers University, D.R. No. 84-19, 10 NJPER 284 (¶15139 1984); Bergen Pines Hospital, D.R. No. 80-20, 6 NJPER 69 (¶11034 1980). Here it seems that the unit in question has been in existence for 19 years. Accordingly, this petition is not appropriate and is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: May 24, 1991
Trenton, New Jersey

^{1/} After lengthy, but unsuccessful, settlement discussions, the parties submitted position statements.