

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

In the Matter of

STATE OF NEW JERSEY (JERSEY CITY
STATE COLLEGE),

Public Employer,

-and-

INTERNATIONAL BROTHERHOOD OF
LAW ENFORCEMENT & SECURITY OFFICERS,

DOCKET NO. RO-81-260

Petitioner,

-and-

LOCAL 195, INTERNATIONAL FEDERATION
OF PROFESSIONAL AND TECHNICAL
ENGINEERS, AFL-CIO AND LOCAL 518,
NEW JERSEY STATE MOTOR VEHICLE EMPLOYEES
UNION, SEIU, AFL-CIO,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a Petition for Certification of Public Employee Representative since it was not timely filed. N.J.A.C. 19:11-2.8 limits the filing of a petition concerning State employees to that period of time corresponding to 240 to 270 days prior to the expiration of an existing written agreement covering employees. On June 4, 1981, at the time the Petition was filed, the State and Local 195/Local 518 were parties to a written agreement covering the petitioned-for employees effective July 1, 1979 through June 30, 1981.

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Appearances:

For the Public Employer
Office of Employee Relations
(David Collins, Employee Relations Coordinator)

For the Petitioner
Arnold E. Brown, attorney

For the Intervenor
Rothbard, Harris & Oxfeld, attorneys
(Sanford R. Oxfeld of counsel)

DECISION

On June 4, 1981, a Petition for Certification of
Public Employee Representative was filed with the Public Employ-
ment Relations Commission (the "Commission") by the International
Brotherhood of Law Enforcement and Security Officers (the

"Petitioner"), seeking to represent a collective negotiations unit comprised of "All regular full time and part time security officers" employed by the State of New Jersey (Jersey City State College). Local 195, International Federation of Professional and Technical Engineers, AFL-CIO ("Local 195") and Local 518, New Jersey State Motor Vehicle Employees Union, SEIU, AFL-CIO ("Local 518"), intervened in this matter on the basis of a current collective negotiations agreement covering the petitioned-for employees.

In accordance with N.J.A.C. 19:11-2.6, the undersigned has caused an administrative investigation to be conducted into the matters involved in the Petition in order to determine the facts.

On the basis of the administrative investigation the undersigned finds 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 an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.6(b), 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 State of New Jersey is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this Petition and is subject to the provisions of the Act.

3. International Brotherhood of Law Enforcement and Security Officers; Local 195, International Federation of Professional and Technical Engineers, AFL-CIO; and Local 518, New Jersey State Motor Vehicle Employees Union, SEIU, AFL-CIO are employee representatives within the meaning of the Act and are subject to its provisions.

4. Petitioner seeks to represent all regular full time and part time security officers at the Jersey City State College. Local 195/Local 518 is the current exclusive representative of a broad-based statewide negotiations unit of inspections and security personnel in which the petitioned-for employees are included.

5. The State asserts that the Petition is untimely filed pursuant to N.J.S.A. 19:11-2.8. ^{1/} The State has submitted a collective negotiations agreement, effective July 1, 1979 through June 30, 1981, between it and Local 195/Local 518 to support its claim. In addition, the State opposes the Petition in that the unit sought is less than statewide in scope.

6. Local 195/Local 518 does not consent to a secret ballot election on the basis of a claim that the petitioned-for employees are part of the statewide unit which it currently represents and therefore the unit petitioned-for is inappropriate.

1/ N.J.S.A. 19:11-2.8 provides that:

(c) During the period of any existing written agreement containing substantive terms and conditions of employment and having a term of three years or less, a petition for certification of public employee representative or a petition for decertification of public employee representative normally will not be considered timely filed unless:

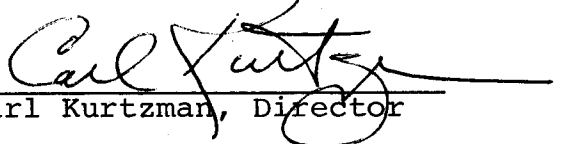
* * *

(1) In a case involving employees of the State of New Jersey, any agency thereof, or any commission or board, the petition is filed not less than 240 days and not more than 270 days before the expiration or renewal date of such agreement.

The undersigned, by letter dated September 30, 1981, advised the Petitioner that the Commission was in receipt of a written agreement containing the terms and conditions of employment of the petitioned-for employees which is effective July 1, 1979 to June 30, 1981 and that a claim had been asserted that N.J.A.C. 19:11-2.8 precluded the consideration of the Petition. The Petitioner was afforded an opportunity to review the Petition in light of the contract bar claim and to withdraw the instant Petition. Petitioner was advised that in the absence of a written response or the filing of a withdrawal request, the undersigned would dismiss the Petition based upon prima facie evidence of an Agreement constituting a bar to the filing of a Petition. The undersigned has not received a response to this communication nor has the Petition been withdrawn.

Accordingly, based on the above, the undersigned dismisses the instant Petition as untimely filed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: November 2, 1981
Trenton, New Jersey