

D.R. NO. 90-14

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

In the Matter of

BOROUGH OF CARLSTADT,

Public Employer,

-and-

CARLSTADT DEPARTMENT OF PUBLIC
WORKS BENEVOLENT ASSOCIATION,

Docket No. RO-90-87

Petitioner,

-and-

AUTOMATIC SALES, SERVICEMEN AND
ALLIED WORKERS, IBT, LOCAL 575,

Intervenor.

SYNOPSIS

The Director of Representation dismisses as untimely a representation petition filed by the Carlstadt Department of Public Works Benevolent Association. The petition was barred by a current agreement.

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Appearances:

For the Public Employer
Claire Foy, Borough Clerk

For the Petitioner
Vincent DeCesare, Delegate

For the Intervenor
Joseph DiLascio, Business Rep.

DECISION

On November 20, 1989, the Carlstadt Department of Public Works Benevolent Association ("Association") filed a Petition for Certification of a Public Employee Representative with the Commission. It seeks to represent a unit of laborers, drivers, buildings and groundskeepers employed by the Borough of Carlstadt ("Borough").

The laborers, drivers, buildings and groundskeepers are currently represented by the Automatic Sales, Servicemen and Allied Workers, IBT, Local 575 ("Local 575"). The agreement between the Borough and Local 575 is effective between January 1, 1988 and December 31, 1989.

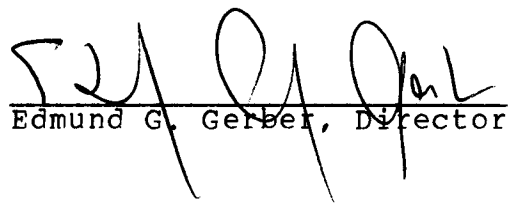
Local 575 asserts that the current collective negotiations agreement covering the petitioned-for unit bars this petition. The Association does not challenge the validity of the contract.

N.J.A.C. 19:11-2.8(c) provides:

During the period of an existing written agreement containing substantive terms and conditions of employment having a term of three years or less, a petition for certification of public employee representative normally will not be considered timely filed unless: ... (2) In a case involving employees of a county or municipality, any agency thereof, or any county or municipal authority, commission or board, the petition is filed not less than 90 days and not more 120 days before the expiration or renewal date of such agreement....

In light of Local 575's current contract covering the petitioned-for unit, the Association's Petition is not timely filed. Accordingly, the Association's petition is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: December 21, 1989
Trenton, New Jersey