

U
E.D. NO. 73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of
COUNTY OF ESSEX,
Public Employer,

-and-

Docket No. RO-875

ESSEX COUNTY CORRECTION CENTER
INSTITUTIONAL TRADE INSTRUCTORS
ASSOCIATION,
Petitioner.

SYNOPSIS

The Executive Director dismisses a representation petition, without prejudice, due to the petitioner's apparent decision not to pursue the petition. The petitioner had indicated that it would inform the Commission whether it would withdraw the petition or request further investigation. Repeated attempts over a period of several months to ascertain the petitioner's desires were met with no response.

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DECISION

A Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission by Essex County Correction Center Institutional Trade Instructors Association (the "Petitioner") with respect to a unit of approximately 14 employees of the County of Essex employed as "Institutional Trade Instructors" at the Essex County Correction Center.^{2/} The undersigned has caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts. On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

1. The County of Essex is a public employer within the meaning of the Act and is subject to its provisions.

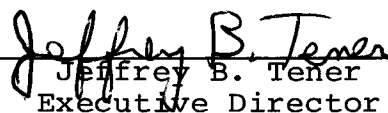
1/ As amended during the investigation.

2/ The unit claimed to be appropriate is described in the Petition as follows: "Included: Institution Trade Instructors; Carpenter, Mason, Plumber, Shoemaker, Tailor, Barber, Painter, Electrician, Autobody & Fender Mechanic, Chicken House, Greenhouse. Excluded: All non-Institutional Trade Instructors."

2. Essex County Correction Center Institutional Trade Instructors Association is an employee representative within the meaning of the Act and is subject to its provisions.

3. During the course of the investigation of the Petition efforts to obtain an Agreement for Consent Election were unsuccessful. Thereafter the Petitioner advised the Commission that a membership meeting would be held in order to determine whether the Petition would be withdrawn or if the investigation should be continued. After several months had elapsed, and having received no further communication from the Petitioner, the Petitioner was informed on several occasions, both orally and in writing, that it was required to indicate its desires concerning the continued processing of the Petition. The Petitioner was finally advised by the undersigned, in writing, that further silence on its part would be construed as a decision not to pursue the Petition at this time. In the absence of any response, and pursuant to Rule Section 19:11-1.12(b)(4), the undersigned deems it appropriate to dismiss, and does hereby dismiss, the Petition without prejudice. In view of the foregoing, the undersigned makes no determination as to whether a valid question concerning representation exists in an appropriate unit.

BY ORDER OF THE EXECUTIVE DIRECTOR



Jeffrey B. Tener
Executive Director

DATED: Trenton, New Jersey
May 13, 1975