

D.R. NO. 88-33

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

In the Matter of

HAMILTON TOWNSHIP FIRE DISTRICTS,
#9, 7, 6, 2, 4, 5, 3, 8

Public Employer,

-and-

N.J. STATE F.M.B.A. LOCAL #84,

Petitioner,

Docket Nos. RO-88-141, RO-88-142,
RO-88-143, RO-88-144,
RO-88-156, RO-88-157,
RO-88-158, RO-88-172

-and-

TOWNSHIP OF HAMILTON,

Party-at-Interest.

SYNOPSIS

Concluding that each fire district is an employer, the Director approves consent election agreements between fire districts #2 through #9 in Hamilton Township and F.M.B.A. Local 84.

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-and-

TOWNSHIP OF HAMILTON,

Party-at-Interest.

Appearances:

For the Respondent (Fire Districts #9, 6, 4, 5, 3, & 8),
Smithson & Graziano, Esqs.
(Daniel J. Graziano, of counsel)

For the Respondent (Fire District #7)
James A. Riley, of counsel

For the Respondent (Fire District #2)
Stark and Stark
(Kevin M. Hart, of counsel)

For the Petitioner
John Marcucci, President

For the Party-at-Interest,
Paul Innes, of counsel

DECISION AND DIRECTION OF ELECTION

Between February 22 and April 25, 1988, FMBA Local 84
("Local 84") filed eight petitions seeking certification as the

exclusive representative of fire prevention and suppression employees employed by Fire Districts #2 through #9 in Hamilton Township. A Commission staff agent began an administrative investigation in February 1988, and conducted an informal conference on May 9, 1988, at which each fire district entered into a separate consent election agreement with Local 84. On May 12, 1988, I advised the parties that I was inclined to approve the consent agreements based on the following facts.


Pursuant to N.J.S.A. 40A:14-70 et seq., the Township established several fire districts. The statute required the Township to, by ordinance, assign each district a territory; provide for the election of a board of fire commissioners for each district (each board is a corporate body); and designate each district by number.

The Township, each district and Local 84 agree that each fire district is the employer of persons holding paid positions in their respective districts. Each district hires its own employees, disciplines them, enters employment contracts with them and has the authority to fire them. Each district is responsible for its own budget.

Based on these facts we concluded that each fire district appeared to be the employer of persons holding paid positions in them. See Parks v. Bd. of Fire Commissioners, Cherry Hill District No. 2, App. Div. Docket No. A-4698-84T1 (5/12/86). On May 12, 1988, we invited Local 84, the fire districts and the Township to submit

additional position statements with supporting documents if they disagreed with this conclusion. We advised the parties that, absent compelling reasons to the contrary, the consent agreements would be approved and the election would proceed with the mailing of ballots on May 25, 1988. None of the parties has responded. Therefore, I approve the consents and direct that the election proceed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: May 20, 1988
Trenton, New Jersey