

D.R. NO. 98-7

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

In the Matter of

STATE OF NEW JERSEY
(DEPARTMENT OF CORRECTIONS),

Public Employer,

-and-

Docket No. CU-97-29

C.W.A. LOCAL 1040, AFL-CIO,

Petitioner,

-and-

IFPTE LOCAL 195,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a Clarification of Unit Petition filed by a union local, asking us to expand the State-wide administrative and clerical unit to add 200 communications operators. The Director finds that only the certified national organization, not any of its individual locals, has standing as the majority representative to seek clarification of the unit.

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Appearances:

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

For the Petitioner
Willie Thompson, Representative

For the Intervenor
Balk, Oxfeld, Mandell & Cohen, attorneys
(Arnold S. Cohen, of counsel)

DECISION

On March 31, 1997, CWA Local 1040 filed a Petition for Clarification of Unit seeking to add about 200 communications operators in the New Jersey State Department of Corrections to its unit of State administrative and clerical employees. The employees in this title are currently represented by IFPTE Local 195 in its State-wide unit of Operations and Maintenance employees.

The State and IFPTE both object to the petition, arguing that Local 1040 does not have standing to file this petition. Both point out that the current majority representative of the administrative and clerical unit is the CWA International Organization, not any of its individual locals. IFPTE also argues that the title is operational in nature, not clerical.

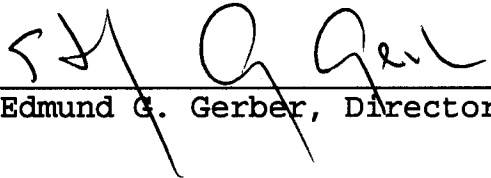
N.J.A.C. 19:11-2.4 provides that "A petition for clarification of unit (CU) may be filed by the exclusive representative or public employer."

The Commission certification, as well as the current contract with the State, name CWA International, not any one of its locals, as the exclusive representative of the State employees in this collective negotiations unit. See State of New Jersey (Human Services), D.U.P. No. 95-21; State of New Jersey (DEPE), D.U.P. No. 93-43, 19 NJPER 389 (¶24171 1993).^{1/} Therefore, no CWA local may stand in the shoes of the International as the exclusive representative. Only the majority representative, CWA international, may seek changes in the structure of CWA's certified State negotiations units.

^{1/} In these matters, I found that another CWA Local lacked standing to act as the exclusive representative for the purpose of bringing an unfair practice charge alleging the State was refusing to negotiate in good faith with the majority representative in violation of section 34:13A-5.4(a)(5) of the Act.

Accordingly, Local 1040's petition to clarify the CWA unit is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: September 24, 1997
Trenton, New Jersey