

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

In the Matter of
CITY OF NEWARK,

Public Employer,

-and-

LOCAL 617, SEIU,

DOCKET NO. RO-78-77

Petitioner,

-and-

ESSEX COUNCIL #1, NJCSA,

Party at Interest,

SYNOPSIS

The Director of Representation, finding that a collective negotiations agreement between Council #1 and the Public Employer does not cover school crossing guards, declines to permit Council #1's intervention in a representation proceeding filed by Local 617, which seeks to represent the school crossing guards. Under Commission rules, a request to intervene in a representation proceeding must be supported by either the submission of an employee showing of interest or an agreement covering the employees involved.

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DECISION

On October 6, 1977 a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission (the "Commission") by Local 617, SEIU ("Local 617") with respect to a proposed unit of all school crossing guards employed by the City of Newark (the "City"). On October 21, 1977 Essex Council #1, NJCSA ("Council #1") advised the Commission that it requested to intervene in the instant Petition.

Council #1 was advised by the undersigned on October 27, 1977 that its request to intervene would have to comport with the requirements of N.J.A.C. 19:11-2.7, which Commission rule requires that a party seeking to intervene in a Petition for Certification of Public Employee Representative submit either a showing of interest among employees or submit a current or recently expired agreement with the public employer covering the employees involved.


On November 9, 1977 Council #1 provided the undersigned with a copy of a current negotiations agreement with the City covering all white collar employees employed by the City. This agreement is effective January 1, 1976 through December 31, 1978 and was entered into by the parties on May 9, 1977.

For the reason stated below the undersigned determines that the agreement submitted by Council #1 for the purposes of supporting its request to intervene is not "a current or recently expired agreement with the public employer covering any of the employees involved"^{1/} and, accordingly, Council #1's request to intervene must be denied. At the time the agreement between Council #1 and the City was entered into, the employees involved in the instant Petition were not employees of the City. Rather, the Commission's records indicate that school crossing guards were employees of the Newark Board of Education and, further, that Local 617 had been certified by the Commission as the exclusive negotiations representative of school crossing guards employed by the Newark Board of Education on April 27, 1977 (Commission Docket No. RO-77-2). The Commission's records also indicate that when the school crossing guards had been employees of the City that Local 945, International Brotherhood of Teamsters, Chauffeurs, Workmen and Helpers of America, had on October 28, 1975 received recognition as the exclusive negotiations representative of the City's school crossing guards. This recognition was extended to Local 945 during the investigation of a Petition for Certification of Public Employee Representative, Docket No. RO-937, filed November 19, 1974, in which Council #1 did not intervene.

^{1/} N.J.A.C. 19:11-2.7

Accordingly, it appears to the undersigned that Council #1's most recent agreement with the City, submitted for the purposes of claiming a representational interest in the school crossing guards, is not an agreement that covers any of the employees involved in the instant Petition. Therefore, Council #1's request to intervene in the instant Petition is hereby denied.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director
of Representation

DATED: November 18, 1977
Trenton, New Jersey