

D.R. NO. 87-7

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

In the Matter of

JERSEY CITY HOUSING AUTHORITY,

Public Employer,

-and-

JERSEY CITY HOUSING AUTHORITY
FOREMAN'S ASSOCIATION, LOCAL 201,

DOCKET NO. RO-86-139

Petitioner,

-and-

INTERNATIONAL SERVICE WORKERS
OF AMERICA, LOCAL 101,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a Petition for Certification of Public Employee Representative filed by the Jersey City Housing Authority Foreman's Association, Local 201, on the grounds that the petition was not supported by an adequate showing of interest.

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JERSEY CITY HOUSING AUTHORITY
FOREMAN'S ASSOCIATION, LOCAL 201,

DOCKET NO. RO-86-139

Petitioner,

-and-

INTERNATIONAL SERVICE WORKERS
OF AMERICA, LOCAL 101,

Intervenor.

Appearances:

For the Public Employer
Robert J. Rigby, Jr., Exec. Director

For the Petitioner
Julio Mistral, Representative

For the Intervenor
Ralph Perfetto, President

DECISION

A Petition for Certification of Public Employee Representative ("Petition") was filed with the Public Employment Relations Commission ("Commission") on behalf of the Jersey City Housing Authority Foreman's Association, Local 201 ("Local 201") on May 21, 1986, seeking to represent certain employees employed by the Jersey City Housing Authority ("Authority"). Local 201 seeks to

sever employees serving in the title of foreman from an existing collective negotiations unit represented by the International Service Workers of America, Local #101 covering all blue collar and white collar employees, including foremen, employed by the Authority.

An administrative investigation was conducted by a Commission staff attorney in order to determine the relevant facts. The disposition of this matter is properly based on our administrative investigation. We have not found any substantial and material factual disputes which may more appropriately be resolved through an evidentiary hearing.

The investigation revealed a problem with regard to the adequacy of the showing of interest. Pursuant to N.J.A.C. 19:11-1.2(a)(8), "petitions for certification of public employee representative shall be accompanied by a showing of interest as defined in N.J.A.C. 19:10-1.1 of not less than 30 percent of the employees in the unit alleged to be appropriate...." N.J.A.C. 19:11-2.1 states:

The showing of interest shall not be furnished to any of the parties. The director of representation shall determine the adequacy of the showing of interest and such decision shall not be subject to collateral attack.

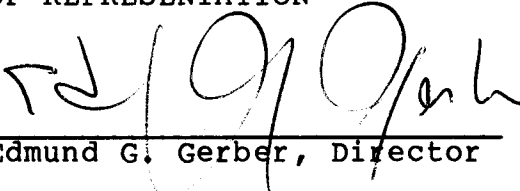
In correspondence dated September 11, 1986, we advised Local 201 of the specific deficiencies contained in the showing of interest submitted in support of the petition filed in this matter. We further advised Local 201 that in light of the inadequacy of the

showing of interest, its petition could not be considered viable and any further processing of the petition would be suspended pending receipt of an adequate showing of interest within a designated time frame. We indicated that failure on the part of Local 201 to respond or to submit an adequate showing of interest would result in the dismissal of its petition. Local 201 has failed to respond to our letter and has not submitted an adequate showing of interest.

The absolute necessity for the submission of an adequate showing of interest in support of a petition for certification of public employee representative is well established by Commission rule (cited above) and case law. See, City of Newark, D.R. No. 85-24, 11 NJPER 344 (¶ 16126 1985); Jersey City Medical Center, D.R. No. 83-19, 8 NJPER 642 (¶ 13308 1982); Woodbridge Twp. Board of Education, D.R. No. 77-9, 3 NJPER 26 (1977).

In this case, the petition submitted by Local 201 has not been supported by an adequate showing of interest. Accordingly, the petition is hereby dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: September 25, 1986
Trenton, New Jersey