

E.D. NO. 76-38

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF NEWARK,  
Public Employer,

-and-

Docket No. RO-954

LOCAL 6, INTERNATIONAL FEDERATION  
OF HEALTH PROFESSIONALS, ILA, AFL-CIO,  
Petitioner,

-and-

LOCAL 945, INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS,  
Intervenor.

SYNOPSIS

The Executive Director, subsequent to a determination by the Commission in a related unfair practice proceeding, PERC No. 76-28, 2 NJPER \_\_\_\_\_ (April 27, 1976), that a collectively negotiated agreement between the City and Local 945 was not an illegal agreement, dismisses the petition in the absence of a withdrawal request, finding that the petition was untimely filed because the disputed agreement serves as a bar to the timely filing of a petition at this time.

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OF TEAMSTERS.

Intervenor.

Appearances:

For the Public Employer, Gerald L. Dorf, P.A.  
(Mr. Thomas J. Savage, of Counsel).

For the Petitioner, Anderson, Russell, Kill & Olick, P.C.  
(Mr. Steven M. Pesner, of Counsel) and Mr. William Perry,  
President, Local 6.

For the Intervenor, Rothbard, Harris & Oxfeld (Mr.  
Sanford R. Oxfeld, of Counsel).

DECISION

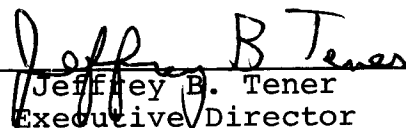
On January 2, 1975, a Petition for Certification of Public Employee Representative was filed with the Public Employment Relations Commission by Local 6, International Federation of Health Professionals, ILA, AFL-CIO ("Local 6") with respect to a unit of approximately 1,000 blue-collar employees of the City of Newark. Local 945, International Brotherhood of Teamsters ("Local 945") has intervened in this proceeding pursuant to a motion approved by the undersigned. The parties were advised on June 20, 1975 that this matter would be held in

abeyance during the pendency of an unfair practice proceeding initiated by Local 6 in which it was alleged that the City of Newark had illegally entered into an agreement with an incumbent employee organization, the Intervenor in this matter, with full knowledge that the Charging Party, Local 6, in fact represented a majority of unit employees. On April 27, 1976, the Commission dismissed the complaint in the unfair practice proceeding.<sup>1/</sup>

In the unfair practice proceeding, the Commission determined that the agreement between the City and Local 945 dated December 31, 1974 covering the term January 1, 1975 to December 31, 1977 was not an illegal agreement. In view of this determination, the undersigned, citing the Commission's Rules regarding the timeliness of petitions, N.J.A.C. 19:11-1.15, wrote to the Petitioner indicating that the instant petition would be dismissed as untimely in the absence of a withdrawal request. No such request was received within the time prescribed.

Accordingly, pursuant to N.J.A.C. 19:11-1.9(a), the undersigned, having determined the petition not to have been timely filed and in the absence of a withdrawal request, hereby dismisses the instant petition.

BY ORDER OF THE EXECUTIVE DIRECTOR

  
 Jeffrey B. Tener  
 Executive Director

DATED: Trenton, New Jersey  
 May 25, 1976

<sup>1/</sup> In re City of Newark, P.E.R.C. No. 76-28, 2 NJPER \_\_\_\_\_  
 (April 27, 1976).