

D.R. NO. 95-30

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

In the Matter of

NEWARK HOUSING AUTHORITY,

Public Employer,

-and-

ESSEX COUNTY BUILDING TRADES
COUNCIL, AFL-CIO,

Docket No. RO-95-197

Petitioner,

-and-

SKILLED TRADES ASSOCIATION, INC., AFL-CIO,

Intervenor.

SYNOPSIS

The Director of Representation finds that a petition filed one day after the execution of a contract between the Skilled Trades Association and the Newark Housing Authority is untimely. The Essex County Building Trades Council sought to represent a negotiations unit comprised of all skilled crafts employees in the Maintenance and Rehabilitation Departments including maintenance and craft outside employees employed by the Newark Housing Authority. The Director of Representation dismissed the petition.

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Appearances:

For the Public Employer,
Terry Ridley, attorney

For the Petitioner,
Kroll & Gaechter, attorneys
Raymond G. Heineman, of counsel

For the Intervenor,
Balk, Oxfeld, Mandell & Cohen, attorneys
Nancy Iris Oxfeld, of counsel

DECISION

On March 31, 1995, the Essex County Building Trades Council, AFL-CIO filed a Petition for Certification of Public Employee Representative with the Public Employment Relations Commission. The Council seeks to represent a negotiations unit comprised of all skilled crafts employees in the Maintenance and Rehabilitation Departments including maintenance and craft outside

employees employed by the Newark Housing Authority. Approximately 80 of the 320 petitioned-for employees are currently represented by the Skilled Trades Association, Inc., which has requested and was granted intervenor status on April 20, 1995. N.J.A.C. 19:11-2.7. The Association opposes the petition contending that it is untimely filed due to the recent execution of a collective negotiations agreement. The Authority has not formally asserted a position regarding the petition.

Resulting from findings determined through an investigation pursuant to N.J.A.C. 19:11-2.3 and 2.6, on May 8, 1995, we issued a tentative decision dismissing the petition as untimely. No party filed a response.

Historically, the petitioned-for employees have existed in two distinct negotiations units. The Association was certified as the exclusive majority representative of all skilled trades maintenance personnel in the Maintenance Department on October 19, 1992.^{1/} This group of employees is known as the "inside" craft maintenance unit. The Council represents the "outside" craft employees assigned to the Rehabilitation Department and has represented them for an undetermined period of time.

The Authority and the Association have a three-year collective negotiations agreement in place from May 1, 1993 through April 30, 1996. The contract's terms encompass wages, benefits and

^{1/} The Council represented these employees from 1981 until 1992.

a grievance procedure. It also contains additional substantive terms and conditions of employment. It was signed on March 30, 1995, by the Authority chairperson, the Authority secretary, the Authority attorney approving the legality of the contract, and the Association president.

The Council does not have a current contract in place. There is an agreement covering the term November 1, 1993 through October 31, 1996, which is not executed.

N.J.A.C. 19:11-2.8, "Timeliness of petitions", states, in relevant part:

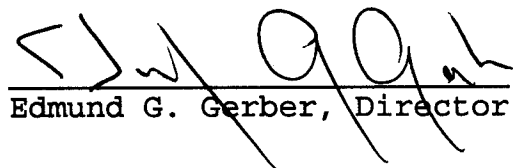
(c) During the period of an existing written agreement containing substantive terms and conditions of employment and having a term of three years or less, a petition for certification of public employee representative or a petition for decertification of public employee representative normally will not be considered timely filed unless:

2. In a case involving employees of a county or a municipality, any agency thereof, or any county or municipal authority, commission or board, the petition is filed not less than 90 days and not more than 120 days before the expiration or renewal date of such agreement;

The petition filed by the Council is untimely since it was filed one day after the Authority and the Association executed a collective negotiations agreement for the "inside" craft maintenance unit. Consequently, these employees are barred from participating in an election at this time. Furthermore, the remaining petitioned-for employees are already represented by the Council, so they have no need for a representation election.

Accordingly, the petition filed by the Council is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: May 24, 1995
Trenton, New Jersey