

D.R. NO. 95-15

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

In the Matter of

CITY OF SOUTH AMBOY,

Public Employer,

-and-

Docket No. CU-95-23

SOUTH AMBOY MUNICIPAL
EMPLOYEES UNION,

Employee Organization.

SYNOPSIS

The Director of Representation dismisses a petition for clarification of unit filed by a majority representative and opposed by the public employer.

The parties did not dispute that the title has existed for more than twelve years, during which two collective agreements were negotiated and signed.

The Director determined that the petition was not timely filed. Rutgers University, D.R. No. 84-19, 10 NJPER 284 (¶15140 1984).

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Appearances:

For the Public Employer
Savage & Serio, attorneys
(Thomas J. Savage, of counsel)

For the Employee Organization
Michael McCarthy, President

DECISION

On November 23, 1994, the South Amboy Municipal Employees Union filed a Petition for Clarification of Unit seeking to clarify its unit of all blue collar and white collar employees to include the tax collector.

On December 16, 1994, the City of South Amboy filed a letter, opposing the petition. The City claims that one employee has held the disputed position for twelve consecutive years and it has negotiated two collective agreements with the Union and is negotiating a third agreement. It further asserts that the position is supervisory.

On December 21, 1994, the Union filed a response, agreeing that the tax collector is not a "new title for the City of South Amboy" and it has executed two now-expired collective agreements with the City. It denies that the position is supervisory.

The recognition clause of the most recent collective agreement signed by the parties identifies the unit as "all regular blue and white collar employees" and excludes, among others, supervisory employees.

The petition is not timely filed. A clarification of unit petition is appropriately filed when the majority representative identifies and petitions for personnel in newly-created titles during the contract period in which the title was established and prior to the signing of a successor contract. Rutgers University, D.R. No. 84-19, 10 NJPER 284 (¶15140 1984); Clearview Reg. Bd. of Ed., D.R. No. 80-20, 6 NJPER 61 (¶11034 1980).

The parties do not dispute that the tax collector position has existed for twelve years and that they have executed two collective agreements before the petition was filed.

Accordingly, I must dismiss this clarification of unit petition because it is not timely filed.^{1/}

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: December 28, 1994
Trenton, New Jersey

^{1/} Under the circumstances, I do not need to consider whether the tax collector is a supervisor within the meaning of N.J.S.A. 34:13A-5.3.