

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

In the Matter of

ROSELLE PARK BOARD OF EDUCATION,

Public Employer,

-and-

ROSELLE PARK ASSOCIATION OF PRINCIPALS,
ASSISTANT PRINCIPALS AND DIRECTORS,

DOCKET NO. RO-81-105

Petitioner,

-and-

ROSELLE PARK ADMINISTRATOR-SUPERVISOR
ASSOCIATION,

Intervenor.

SYNOPSIS

The Director of Representation, on the basis of an administrative investigation, dismisses a petition seeking a negotiations unit comprised of Principals, Assistant Principals and Directors since the petition was not filed during a timely period, pursuant to the Commission's rules. The petitioned-for employees are currently included in a larger unit and are covered by an existing agreement.

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Appearances:

For the Public Employer
Dorf & Glickman
(Steven Glickman of counsel)

For the Petitioner
Roy Dragon, Principal

For the Intervenor
Robert M. Schwartz attorney

DECISION

On October 16, 1980, a Petition for Certification of Public Employee Representative, supported by an adequate showing of interest, was filed with the Public Employment Relations Commission (the "Commission") by the Roselle Park Association of Principals, Assistant Principals and Directors (the "Petitioner") with respect to a proposed unit consisting of certain employees

of the Roselle Park Board of Education (the "Board"). The Roselle Park Administrator-Supervisor Association (the "Intervenor") has submitted a current contract covering the petitioned-for employees, and has requested intervenor status in accordance with N.J.A.C. 19:11-2.7(a). That request has been granted.

In accordance with N.J.A.C. 19:11-2.2(a), the undersigned caused an investigation to be conducted into the matters and allegations set forth in the Petition in order to determine the facts.

On the basis of the administrative investigation herein, the undersigned finds and determines as follows:

1. The disposition of this matter is properly based upon the administrative investigation herein, it appearing that no substantial and material factual issues exist which may more appropriately be resolved after an evidentiary hearing. Pursuant to N.J.A.C. 19:11-2.6(b), there is no necessity for a hearing where, as here, no substantial and material factual issues have been placed in dispute by the parties.

2. The Roselle Park Board of Education is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (the "Act"), is the employer of the employees who are the subject of this proceeding and is subject to the provisions of the Act.

3. The Roselle Park Association of Principals, Assistant Principals and Directors and the Roselle Park Administrator-Supervisor Association are employee representatives within the meaning of the Act and are subject to its provisions.

4. On October 16, 1980, a Petition for Certification of Public Employee Representative submitted by the Petitioner was received and docketed by the Commission.

5. On December 15, 1980, the Intervenor submitted a copy of a current contract covering employees, between itself and the Board, which includes the petitioned-for titles. The current contract expires June 30, 1981. The Intervenor argued against consideration of the Petition on the basis that it was not timely filed.

6. N.J.A.C. 19:11-2.8 provides:


(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:

3. In a case involving employees of a school district, the Petition is filed during the period between September 1 and October 14, inclusive, within the last 12 months of such agreement.

Since the instant petition was not filed during the "open" period, the instant petition has not been timely filed. Petitioner has been advised of this deficiency, and has been provided an opportunity to withdraw the Petition or to argue as to why the Petition should nonetheless be considered. However, the Petitioner has not submitted a reply, nor has it withdrawn the petition.

Accordingly, since Petitioner has not filed the instant matter during a timely period, the undersigned dismisses the instant petition.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: June 3, 1981
Trenton, New Jersey