

P.E.R.C. NO. 2004-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WASHINGTON TOWNSHIP
FIRE DISTRICT #1,

Public Employer,

-and-

Docket No. RO-2003-15

IAFF LOCAL 4204-B,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2003-84, 29 NJPER 221 (¶66 2003), filed by the Washington Township Fire District #1. In that decision, the Commission denied the District's request for review of D.R. No. 2003-16, which directed that an election be conducted among regularly employed superior fire officers including all captains. The Commission finds no extraordinary circumstances warranting reconsideration and reiterates that any conflict of interest issues that might arise post-certification can be addressed through its unfair practice jurisdiction.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Public Employer, Littler Mendelson, attorneys
(Ronald I. Tisch, of counsel)

For the Petitioner, Keith Kemery, Business Agent

DECISION

On June 17, 2003, the Washington Township Fire District #1 moved for reconsideration of P.E.R.C. No. 2003-84, 29 NJPER 221 (¶66 2003). In that decision, we denied the District's request for review of D.R. No. 2003-16, 29 NJPER 152 (¶44 2003), which directed that an election be conducted among regularly employed superior fire officers including all captains.

The case began when IAFF Local 4204-B filed a representation petition to represent three full-time fire captains. The District refused to consent to an election, arguing, in part, that this IAFF local cannot represent superior officers since an affiliated organization also represents rank-and-file firefighters. The Director rejected that contention and we found

that there were no compelling reasons to review the Director's determination. We noted that any conflict of interest issues that might arise post-certification can be addressed through the Commission's unfair practice jurisdiction.

The Township states that it has recently discovered evidence that contradicts the factual findings and legal assumptions that formed the basis of our prior decision. In particular, the Township asserts that the supervisory and non-supervisory IAFF locals have begun identifying and representing themselves as a single representative entity, allegedly in violation of the law prohibiting one organization from representing both supervisory and non-supervisory employees. The Township has submitted copies of promotional and fund-raising materials which it claims lead to the inescapable conclusion that the two entities are effectively operating as a single unit.^{1/}

Reconsideration will be granted only in extraordinary circumstances not present here. N.J.A.C. 19:11-9.3. As we stated in P.E.R.C. No. 2003-84, any conflict of interest issues that might arise post-certification can be addressed through our unfair practice jurisdiction.

^{1/} We deny the Township's request for oral argument.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners DiNardo, Katz, Mastriani, Ricci and Sandman voted in favor of this decision. None opposed. Commissioner Buchanan was not present.

DATED: July 24, 2003
Trenton, New Jersey
ISSUED: July 25, 2003