

P.E.R.C. NO. 2013-10

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. IA-2012-004

NEW JERSEY LAW ENFORCEMENT
COMMANDERS OFFICERS ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission grants the State of New Jersey's motion to dismiss an interest arbitration petition filed by the New Jersey Law Enforcement Commanders Officers Association. The Commission holds that as of October 6, 2011, the unit description listed on the interest arbitration petition included titles that no longer exist as well as omitted titles it now represents. This change was the result of a change in Civil Service titles. A new unit was certified by the Director of Representation in December 2011 after the re-organization. The Association may re-file its interest arbitration petition reflecting the titles in the unit as described in the Certification of Unit issued in December 2011.

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 Respondent, Jackson Lewis, attorneys (Jeffrey J. Corradino, of counsel; James J. Gillespie, on the brief)

For the Petitioner, Mario A. Iavicoli, of counsel and on the brief

DECISION

On March 13, 2012, the State of New Jersey filed a motion to dismiss the interest arbitration petition filed by the New Jersey Law Enforcement Commanders Association. The State asserts that the unit for which the Association seeks interest arbitration no longer exists. On April 25, the Association filed a response that the Interest Arbitration Act requires processing of the petition and some titles included in the unit description still

exist.^{1/} On May 4, the State filed a reply. The following facts appear.

Prior to October 6, 2011, the Association represented two separate negotiations units. The first unit included: Corrections Captains; Corrections Captains, Juvenile Justice; Supervising Conservation Officers; and Supervising Parole Officers. The second unit included only Directors of Custody Operations ("DOCOs").

On October 6, 2011, the Civil Service Commission ("CSC") issued a decision approving the Department of Corrections' request to create the title of Corrections Major to consolidate comparable functions performed by existing custody supervisory staff in the titles Corrections Captain, DOCO I, and DOCO II.^{2/} On November 3, Petitioner filed a Representation Petition^{3/} seeking to represent a new unit including: Corrections Majors; Corrections Captains, Juvenile Justice; Supervising Conservation Officers; and Supervising Parole Officers. On December 19, the Director of Representation approved the parties Stipulation of Appropriate Unit and the unit was certified by card check on

1/ The Association's response was accompanied by a motion to accept the filing out of time. As the State has advised it will not oppose the late filing, we accept it.

2/ The Association has appealed this decision to the Superior Court, Appellate Division, Docket No. A-

3/ Docket No. RO-2012-31

December 28. The Association was certified as the exclusive representative of all regularly employed Correction Majors; Correction Captains, Juvenile Justice; Supervising Conservation Officers; and Supervising Parole Officers employed by the State of New Jersey.

On October 7, 2011, after the CSC had abolished the Correction Captain and DOCO titles, the Association filed for compulsory interest arbitration for a unit with these titles: Correction Captain; Correction Captain, Juvenile Justice; Supervising Conservation Officer; and Supervising Parole Officer. The petition was held in abeyance while the parties participated in mediation. When the parties remained at impasse, the Association sought further processing of its interest arbitration petition. The State filed the instant motion to dismiss.

We dismiss the petition without prejudice. As of October 6, 2011, the unit description listed on the interest arbitration petition included titles that no longer exist as well as omitted titles it now represents. Accordingly, the petition is not perfected.^{4/}

ORDER

^{4/} We note our disappointment that this matter had to be delayed by motion practice as the record indicates the State's willingness to proceed with negotiations and the Association's refusal to amend its petition to reflect the appropriate unit.

The State of New Jersey's motion to dismiss the interest arbitration petition filed by the New Jersey State Law Enforcement Commanding Officer's Association is granted. The Association may file a new petition that accurately reflects the unit description in the certification. The petition is dismissed.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall voted in favor of this decision. None opposed.

ISSUED: September 6, 2012

Trenton, New Jersey