

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF JERSEY CITY,

Public Employer,

- and -

LOCAL 246, JERSEY CITY PUBLIC  
EMPLOYEES, INC.,

Petitioner,

Docket No. RO-76-44

- and -

LOCAL 245, JERSEY CITY PUBLIC  
EMPLOYEES, INC.,

Intervenor.

SYNOPSIS

The Commission acts on two requests for review of a decision and direction of election issued by the Executive Director. The Commission denies one request for failure to comply with the Commission's rules, stating that the request is not a self-contained document meeting the requirements of N.J.A.C. 19:15-2.3 and, more importantly, the Commission cannot discern which, if any, of the grounds for review specified in N.J.A.C. 19:15-2.2 might be present. The second request is granted, and on the merits the Commission affirms the Executive Director "substantially for the reasons stated" in E. D. NO. 76-19.

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DECISION ON REQUEST FOR REVIEW

The City of Jersey City (the "City") and Local 245, Jersey City Public Employees, Inc. ("Local 245") have both filed with the Public Employment Relations Commission (the "Commission") timely requests for review of the Decision and Direction of Election issued in this representation proceeding by Executive Director Jeffrey B. Tener on February 11, 1976 (E. D. No. 76-19, 2 NJPER \_\_\_\_\_). As the election was directed to be held within 30 days of the decision, both the City and Local 245 have moved for a stay of the directed election pending the Commission's disposition of their requests for review.<sup>1/</sup>

<sup>1/</sup> N.J.A.C. 19:15-2.1(b) provides in pertinent part that "The filing of a request for review with the Commission shall not operate, unless otherwise ordered by the Commission, as a stay of any action taken, ordered or directed by the Executive Director.

N.J.A.C. 19:15-2.3 provides in pertinent part that "A request for review must be a self-contained document enabling the Commission to rule on the basis of its contents without the necessity of recourse to the record." N.J.A.C. 19:15-2.2 specifies the limited circumstances in which review will be granted:

(a) The Commission will grant a request for review only where compelling reasons exist therefor. Accordingly, a request for review may be granted only upon one or more of the following grounds:

1. That a substantial question of law or policy is raised concerning the interpretation or administration of the Act or these rules and regulations;

2. That the Executive Director's decision on a substantial factual issue is clearly erroneous on the record and such error prejudicially affects the rights of a party;

3. That the conduct of the hearing or any ruling made in connection with the proceeding may have resulted in prejudicial error; and/or

4. That there are compelling reasons for reconsideration of an important Commission rule or policy.

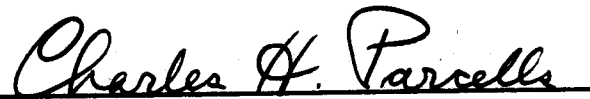
The request for review filed by Local 245 does not comply with the requirements of the foregoing rule sections and is accordingly denied. The request is not a self-contained document meeting the requirements of N.J.A.C. 19:15-2.3. More importantly, the request does not specify which, if any, of the grounds set forth in N.J.A.C. 19:15-2.2 might be present, nor can we discern the presence of any such grounds from a fair reading of the document.

The City requests review on the basis of N.J.A.C. 19:15-2.2, grounds 1 and 4, supra. Essentially the City argues that the Executive Director should be required to determine whether or not the showing of interest filed by the

petitioner is valid, rather than directing an election notwithstanding his finding that "some doubt has been raised as to the validity" of the showing. On the basis of the City's arguments we are convinced that there is a substantial question raised sufficient to warrant review on the merits and the City's request is hereby granted.

Proceeding to the merits, and having carefully considered the City's arguments, we affirm the Executive Director's Decision and Direction of Election in E.D. No. 76-19 substantially for the reasons stated therein, provided, however, that the election directed therein is hereby directed to be conducted within thirty (30) days of the date of the issuance of this decision.

BY ORDER OF THE COMMISSION

  
Charles H. Parcels  
Acting Chairman

Decided February 26, 1976

Issued March 1, 1976