

P.E.R.C. No. 76-35

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BOROUGH OF SAYREVILLE,

Public Employer,

- and -

Docket No. CU-174

POLICEMEN'S BENEVOLENT ASSOCIATION
OF SAYREVILLE, LOCAL #98,

Petitioner.

SYNOPSIS

In a unit clarification case, the Commission denies a request for review of the Executive Director's decision in E. D. No. 76-27, finding that the request did not raise substantial questions of law or fact sufficient to warrant Commission review.

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Appearances:

For the Public Employer, Blanda &
Blanda, Esqs. (Mr. Robert A. Blanda,
of Counsel)

For the Petitioner, Weinberg, Manoff
and Dietz, Esqs. (Mr. Irwin Weinberg,
of Counsel)

DECISION ON REQUEST FOR REVIEW

Pursuant to N.J.A.C. 19:15-2.1 Patrolmen's Benevolent Association of Sayreville, Local #98 (the "PBA") has filed with the Public Employment Relations Commission (the "Commission") a timely request for review of the Decision issued in this unit clarification proceeding by Executive Director Jeffrey B. Tener on April 2, 1976 (E. D. No. 76-27, 2 NJPER 85). The PBA's submission comports with the procedural requirements of N.J.A.C. 19:15-2.3,^{1/} and urges Commission review on the basis of the grounds set forth in N.J.A.C. 19:15-2.2(a)(1) and (2):

^{1/} See In re City of Jersey City, P.E.R.C. No. 76-21, 2 NJPER 58 (1976).

(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:

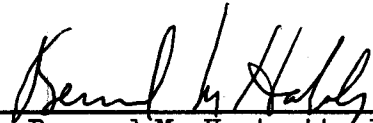
1. That a substantial question of law is raised concerning the interpretation or administration of the Act or these rules and regulations;

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; ***

The Borough of Sayreville has filed a timely statement in opposition to the PBA's request for review. N.J.A.C. 19:15-2.4.

The Commission has carefully considered the parties' submissions and, upon due deliberation, concludes that the PBA has not shown that a substantial question of law is raised, within the meaning of N.J.A.C. 19:15-2.2(a)(1), or that the Executive Director's decision on a substantial factual issue is clearly erroneous, within the meaning of N.J.A.C. 19:15-2.2(a)(2). The PBA's request for review is accordingly denied. Pursuant to N.J.A.C. 19:15-2.5(b), the foregoing constitutes the final administrative determination of the Commission in this unit clarification proceeding.

BY ORDER OF THE COMMISSION



Bernard M. Hartnett, Jr.
Acting Chairman

Decided April 27, 1976

Issued April 29, 1976