

D.R. NO. 87-19

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

In the Matter of

COUNTY OF MERCER,

Public Employer,

-and-

N.J. STATE P.B.A. LOCAL #167,

DOCKET NO. RO-87-30

Petitioner,

-and-

A.F.S.C.M.E., LOCAL 2475,

Intervenor.

SYNOPSIS

The Director of Representation has reconsidered its earlier decision dismissing a Petition for Representation. After reviewing the filings pertaining to the motion, the earlier decision, D.R. 87-12, 13 NJPER 51 (¶18020 1986) was rescinded and a notice of hearing issued on the petition.

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Appearances:

For the Public Employer  
McLemore & McElroy, Esqs.  
(Paul McLemore, of counsel)

For the Petitioner  
Wills & O'Neill, Esqs.  
(G. Robert Wills, of counsel)

For the Intervenor  
Donald B. Dileo, Staff Representative

DECISION

On December 8, 1986, we issued a Director of Representation Decision dismissing the N.J. State P.B.A. Local #167's petition in which the P.B.A. sought to represent County juvenile detention officers in a unit with police employees. Prior to the issuance of that decision, we sent a letter to all parties stating our views and intentions to issue a decision. In the letter we also gave the

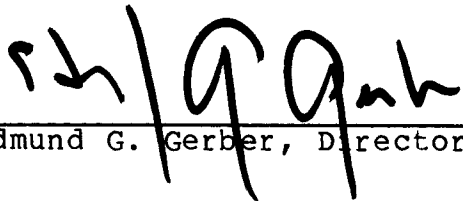
P.B.A. an opportunity to tell us of any issues we did not address that it believed should be brought to our attention.

A timely position letter from the Attorney for the P.B.A. was sent to the Commission's Offices; however, rather than being sent to the Director, the letter was improperly filed with the Chairman of the Commission and our decision was issued without benefit of a review of the petitioner's letter. After the issuance of the decision, the Attorney for the P.B.A. filed a motion to reconsider the Director of Representation Decision on the basis of the P.B.A.'s position letter.

We have reviewed the response on the merits. The P.B.A. asked that the unit in question should be reconsidered on the basis that the disputed employees perform police services within the meaning of the New Jersey Public Employer-Employee Relations Act. After reviewing the results of our investigation and all papers filed, I believe that a determination cannot be made now as to whether the employees in question are performing police functions.

Accordingly, D.R. 87-12, 13 NJPER \_\_\_\_, is rescinded and this petition shall be the subject of a representation hearing in accordance with the accompanying Notice of Hearing.

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION

  
Edmund G. Gerber, Director

DATED: February 10, 1987  
Trenton, New Jersey