

NOT FOR PUBLICATION WITHOUT THE APPROVAL
OF THE COMMITTEE ON OPINIONS

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-5273-88T1

IN THE MATTER OF
TOWNSHIP OF ROCHELLE PARK,
a public employer,

and

ROCHELLE PARK SUPERIOR
OFFICERS' ASSOCIATION,

Respondent,

and

POLICEMAN'S BENEVOLENT
ASSOCIATION, LOCAL 102,

Appellant.

ORIGINAL FILED

MAR 19 1990

Emille R. Cox, Esq.
Clerk

Argued: March 7, 1990 - Decided **MAR 19 1990**

Before Judges Gaulkin and Scalera.

On appeal from the Public Employment
Relations Commission.

Craig Kozan argued the cause for appellant
(Alfred G. Osterweil, attorney, Mr. Kozan,
on the brief).

Richard D. Loccke argued the cause for
respondent Rochelle Park Superior Officers'
Association (Loccke and Correia, attorneys,
Michael J. Rappa, on the brief).

Robert E. Anderson, General Counsel,
argued the cause for respondent, Public
Employment Relations Commission.

PER CURIAM

The Rochelle Park Superior Officers' Association (SOA) filed a petition with the Public Employment Relations Commission (PERC) seeking certification as the majority representative for all "police supervisors." After a hearing, PERC ruled that SOA had not given sufficient notice to Local 102 of the Policemen's Benevolent Association (PBA), the incumbent majority representative of all police personnel in the Township of Rochelle Park.

On September 30, 1989, SOA filed another petition with PERC, to which the PBA objected on the grounds that there was no "requisite showing of interest." However, PERC determined to proceed in the face thereof. An election was held at which SOA was elected (5 to 2) and certified by PERC as the majority representative for the group.

PBA appeals, contending that

- Point I: The petition should be dismissed on procedural grounds, due to filing defects.
- Point II: The Director of Representation [of PERC] improperly rendered a decision without a hearing on the facts underlying the substantive issues in the within matter.
- Point III: The Director of Representation's decision was erroneous as a matter of law.
- Point IV: [The PERC hearing officer] should have recused himself from this case at some point before a final decision was rendered, due to a lack of impartiality on his part.

We have carefully reviewed these contentions in light of the record presented and of the applicable law, and conclude that they are clearly without merit. R.2:11-3(e)(1)(D) and (E). Moreover, see N.J.A.C. 19:11-8.1(a) and Bd. of Ed. of West Orange v. Wilton, 57 N.J. 404, 427-428 (1971).

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.



Clerk