

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

WEST ORANGE BOARD OF EDUCATION

and

Docket No. R-11

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 68

SUPPLEMENTAL DECISION AND ORDER

On April 10, 1969 the Public Employment Relations Commission issued its Decision and Direction of Election in the above-entitled proceeding, ^{1/} making a unit determination and directing an election to resolve a question concerning the representation of certain employees of the West Orange Board of Education.

On January 21, 1970 the Superior Court of New Jersey, Appellate Division, issued its opinion in Board of Education of the Town of West Orange in the County of Essex vs International Union of Operating Engineers, Local No. 68 and The Public Employment Relations Commission, Docket No. A-1256-68. Therein the Court found that when the Commission rendered its decision in the instant case, a conflict of interest existed in that one of the members participating in the decision, Commissioner Parsonnet, was also a partner in the law firm which represented the petitioning union in the same case. The Commission's decision had been unanimous. The Court concluded that the conflict of interest disqualified Commissioner Parsonnet from participation in that case and rendered void the Commission's decision. The Court reaffirmed this conclusion in a supplemental opinion dated February 24, 1970.

In view of that conclusion, the fact that Commissioner Parsonnet participated in the decision in the instant case and the fact that the firm in which he is a partner represented the Petitioner in the instant case, the Commission, sitting without Commissioner Parsonnet, has reconsidered its earlier decision in West Orange Board of Education and concludes as follows. The Commission adopts, nunc pro tunc, the Decision and Direction of Election and orders that the Certification of Representative issued June 26, 1969 be, and the same hereby is adopted, nunc pro tunc.

BY ORDER OF THE COMMISSION



WILLIAM L. KIRCHNER, JR.
ACTING CHAIRMAN

DATED: March 5, 1970
Trenton, New Jersey