

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION COUNTY COURT JUDGES,

Public Employer,

-and-

UNION COUNTY COURT CLERKS  
ASSOCIATION,

Petitioner,

-and-

Docket No. RO-77-75

UNION COUNCIL NO. 8, NEW JERSEY  
CIVIL SERVICE ASSOCIATION,

Intervenor,

-and-

COUNTY OF UNION,

Party-at-Interest.

SYNOPSIS

Union Council No. 8, pursuant to N.J.A.C. 19:11-8.1, filed a request for review by the Commission of the Director of Representation's decision, D.R. No. 79-2, 4 NJPER 290 (¶4146 1978) in which he found that court clerks being "necessary and integral" to the functioning of the judiciary, are judicial employees, and accordingly, ordered the severance of court clerks in Union County from the all-inclusive unit of county employees represented by Council No. 8, N.J.C.S.A.

The Commission, in the first instance, finds that Council No. 8 has not met the grounds set out in N.J.A.C. 19:11-8.2 for granting a request for Commission review. Moreover, the Commission concludes that, based on its division in In re County of Ocean, P.E.R.C. No. 78-49, 4 NJPER 92 (¶4042 1978), the decision of the Director of Representation is both factually and legally correct. Therefore, the request for review is denied.

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Appearances:

For the Public Employer, Honorable V. William DiBuono  
(Melvin E. Mounts, Deputy Attorney General)

For the Petitioner, Sauer, Boyle, Dwyer, Canellis  
& Cambria, Esqs. (William A. Cambria, of Counsel)

For the Intervenor, Fox and Fox, Esqs.  
(David I. Fox, of Counsel)

For the Party-at-Interest, Weinberg, Manoff & Dietz, Esqs.  
(Irwin Weinberg, of Counsel)

ORDER DENYING REQUEST FOR REVIEW

On July 27, 1978, the Commission's Director of Representa-  
tion issued a decision, D.R. No. 79-2, 4 NJPER 290 (Par. 4146 1978)  
in which he ordered the severance of court clerks in Union County  
from the all-inclusive unit of county employees represented by  
Council No. 8, New Jersey Civil Service Association.

The Director's decision considered the issues at great  
length. Relying heavily on a Supreme Court decision, Passaic County

Probation Officers Association v. County of Passaic, et al, 73 N.J. 247 (1977) and our decision In re County of Ocean, P.E.R.C. No. 78-49, 4 NJPER 92 (Par. 4042 1978), he held that the public employer of the court clerks is the Union County Court Judges and not the County of Union.

In the Passaic Probation Officers case, the Supreme Court ruled that employees who are "necessary and integral" to the functioning of the judiciary are judicial rather than county employees. In Ocean County, we found court clerks to be "necessary and integral" to the functioning of the judiciary. Therefore, the Director ordered the court clerks to be severed from the existing county-wide unit because the court clerks are employed by a different employer from the employer of county employees.<sup>1/</sup>

Union Council No. 8 filed a timely, one-page letter request for review from the Director's decision. The Union County Court Clerks Association filed a statement in opposition to the request for review, contending that Union Council No. 8 had failed to meet the standards for granting a request for review.

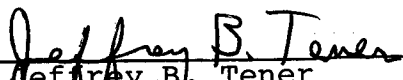
The grounds for granting a request for review, as specified at N.J.A.C. 19:11-8.2, are limited. The submission of Union Council No. 8 fails to meet that standard. Indeed, the request merely urges review "...based upon the presentation previously made

<sup>1/</sup> In his decision, he considered and rejected the argument of Union Council No. 8 that the issue of the employer of the court clerks in Union County was res adjudicata by virtue of a prior decision of the Executive Director, In re Union County Board of Chosen Freeholders, E.D. No. 49 (1974).

by us to the Director of Representation" and incorporates by reference six letters previously filed by the Commission and considered by the Director in his decision.

We are satisfied, as we held in Ocean County, that court clerks are "necessary and integral" to the functioning of the judiciary, that they are employees of the judiciary rather than the county, and that they must therefore be severed from the existing county-wide unit of employees of Union County. Therefore, the request for review filed herein should be and is hereby denied, as it raises no questions which have not been treated in our prior decisions applying the Passaic Probation Officers decision.

BY ORDER OF THE COMMISSION

  
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Jeffrey B. Tener  
Chairman

Chairman Tener, Commissioners Hartnett, Graves, Hipp and Schwartz voted for this decision. None opposed.

DATED: Trenton, New Jersey  
September 19, 1978  
ISSUED: September 20, 1978