

P.E.R.C. NO. 80-141

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DEPARTMENT  
OF CORRECTIONS),

Respondent,

-and-

Docket No. CO-79-113-55

NEW JERSEY LAW ENFORCEMENT PRIMARY  
LEVEL SUPERVISORS ASSOCIATION,

Charging Party.

SYNOPSIS

The Chairman grants a motion for reconsideration in an unfair practice proceeding. The Charging Party had filed exceptions to the Hearing Examiner's report which the Chairman did not deem as proper. Accordingly, the Chairman adopted the Hearing Examiner's findings of fact, conclusions of law and recommended order. The Complaint was dismissed in its entirety. In granting the motion, the Chairman also provided the State with an opportunity to reply to the Charging Party's exceptions.

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY (DEPARTMENT  
OF CORRECTIONS),

Respondent,

-and-

Docket No. CO-79-113-55

NEW JERSEY LAW ENFORCEMENT PRIMARY  
LEVEL SUPERVISORS ASSOCIATION,

Charging Party.

Appearances:

For the Respondent, The Honorable John J. Degnan  
Attorney General (Michael L. Diller, Deputy Attorney  
General)

For the Charging Party, Robert B. Reed, Esq.

DECISION GRANTING MOTION FOR RECONSIDERATION

The undersigned issued a decision in this matter,  
P.E.R.C. No. 80-132, 6 NJPER \_\_\_\_ (¶ 1980) on April 18,  
1980, in which he adopted the findings of fact, conclusions of  
law and recommended order of the Hearing Examiner. The complaint  
was dismissed in its entirety.

By letter received May 5, 1980, the Charging Party  
has moved for reconsideration of this decision. The basis for  
that request concerns the Charging Party's filing of exceptions.  
In the original decision, it was stated that neither party had  
filed proper exceptions under N.J.A.C. 19:14-7.3. Although a  
one-page letter "exception" had been filed by the Charging

Party and, on April 17, 1980, the Charging Party filed another document which it also labeled as "exceptions", neither of these was deemed proper.

The Charging Party in its motion asserts that an extension of time had been secured from the Commission after having been agreed to by the State. While the motion does not state how long an extension had been obtained nor does it appear that the request was in writing, and otherwise in conformity with PERC's rules, it does appear that one was requested and that the Charging Party in good faith understood that it had been granted.

Based upon these asserted facts, the Charging Party requests that the matter be reconsidered based upon the record including the exceptions. The motion states that the Chairman neither considered nor read the exceptions.

The undersigned hereby grants the motion for reconsideration. The issues raised by the Charging Party in its motion shall be considered by the full Commission. The State is hereby provided an opportunity to submit any response to the exceptions of the Charging Party in accordance with N.J.A.C. 19:14-7.3. Any such submission is to be received by the Commission by May 27, 1980. Thereafter, the matter will be submitted to the Commission for a decision.

BY ORDER OF THE COMMISSION

  
\_\_\_\_\_  
Jeffrey B. Tener  
Chairman

DATED: Trenton, New Jersey  
May 19, 1980