

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CITY OF ELIZABETH

and

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
LOCAL 777, AFL-CIO

and

Docket No. R-3

FIREMEN'S MUTUAL BENEVOLENT ASSOCIATION
LOCAL 9

and

ELIZABETH FIRE OFFICER'S ASSOCIATION

SUPPLEMENTAL DECISION AND ORDER

On May 14, 1969 the Public Employment Relations Commission issued its Decision and Direction of Election in the above-entitled proceeding,^{1/} making certain unit determinations and directing an election to resolve questions concerning the representation of certain employees of the City of Elizabeth.

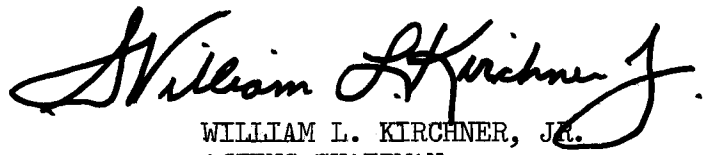
On January 21, 1970 the Superior Court of New Jersey, Appellate Division, issued its opinion in Board of Education of the Town of West Orange in the County of Essex vs International Union of Operating Engineers, Local No. 68 and The Public Employment Relations Commission, Docket No. A-1256-68. Therein the Court found that when the Commission rendered its decision in West Orange Board of Education, P.E.R.C. NO. 2, 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

^{1/} P.E.R.C. NO. 4

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 one of the parties to the instant case, the Commission, sitting without Commissioner Parsonnet, has reconsidered its earlier decision in City of Elizabeth and concludes as follows. The Commission adopts, nunc pro tunc, the Decision and Direction of Election and orders that the Certifications of Representative issued August 8, 1969 be, and the same hereby are, adopted, nunc pro tunc.

BY ORDER OF THE COMMISSION


WILLIAM L. KIRCHNER, JR.
ACTING CHAIRMAN

DATED: March 5, 1970
Trenton, New Jersey