

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

MERCER COUNTY SUPERINTENDENT OF
ELECTIONS,
Public Employer,

-and-

Docket No. RO-77-191

MERCER COUNCIL #4, NEW JERSEY
CIVIL SERVICE ASSOCIATION,
Petitioner,

-and-

COUNTY OF MERCER,
Intervenor.

Appearances:

For the Public Employer, Honorable John J. Degnan,
Attorney General (Gregory E. Nagy, Deputy Attorney
General)

For the Petitioner, Fox and Fox, Esqs.
(Mr. Richard Greenstein, of Counsel)

For the Intervenor, Harvey Stern, County Counsel
(Mr. William L. Boyan, On the Brief)

DECISION

On March 23, 1978, the Director of Representation (the "Director") issued his decision in the above-captioned representation proceeding. In re Mercer County Superintendent of Elections, D.R. No. 78-37, 4 NJPER ____ (1978). On April 14, 1978, the County of Mercer (the "County") filed with the New Jersey Public Employment Relations Commission (the "Commission") a request for review of the aforementioned Director's decision. The County's request for review noted the dependence of the above-captioned decision upon the logic employed by the Director in In re Bergen and Mercer County Prosecutors, D.R. No. 78-34, 4 NJPER ____ (1978) (Decided February 2,

1978), which was also the subject of a request for review by the Commission. Acknowledging the interdependence of the issues in the two decisions, and without disputing the factual conclusions contained in the within decision, the County requested that the Commission treat the two requests for review simultaneously.

In the instant case, the Director of Representation, relying on the existing statutory framework, apposite decisions of the Courts of this state, factual assertions by the parties, and traditional labor relations indicia, determined that, from the collective negotiations and labor relations standpoint, the Superintendent of Elections, rather than the County, was the public employer of employees working for the Superintendent of Elections. The logic employed by the Director in formulating his decision was substantially similar to the logic applied in In re Mercer and Bergen County Prosecutors, supra.

We note that we had previously granted requests for review in In re Mercer and Bergen County Prosecutors, supra, and have this day issued our decision therein, P.E.R.C. No. 78- , 4 NJPER ____ (1978). In that decision, we affirmed the decision of the Director of Representation, substantially for the reasons cited by him. In view of that decision and owing to the similarity of the issues decided therein to those contained in this matter, we find it unnecessary to grant the County's request for review in the instant matter and that request is hereby denied. This

matter is remanded to the Director of Representation for action consistent with his decision.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

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

DATED: Trenton, New Jersey
May 25, 1978
ISSUED: May 26, 1978