

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-77-77-61

LOCAL 195, INTERNATIONAL FEDERATION  
OF PROFESSIONAL AND TECHNICAL ENGINEERS,  
AFL-CIO,

Charging Party.

SYNOPSIS

The Commission, in a decision on Motion for Reconsideration, denies Local 195's motion. The Commission finds that no extraordinary circumstances have been set forth in Local 195's moving papers.

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Charging Party.

Appearances:

For the Respondent, John J. Degnan, Attorney General  
(Mr. Michael J. Diller, Deputy Attorney General)

For the Charging Party, Rothbard, Harris & Oxfeld, Esqs.  
(Mr. Sanford R. Oxfeld, of Counsel)

DECISION ON MOTION FOR RECONSIDERATION

On January 17, 1979, the Public Employment Relations Commission issued its decision in the above-captioned matter dismissing the unfair practice Complaint in its entirety. In re State of New Jersey and Local 195, International Federation of Professional and Technical Engineers, AFL-CIO, P.E.R.C. No. 79-46, 5 NJPER \_\_\_ (¶ 1979). Local 195, International Federation of Professional and Technical Engineers, AFL-CIO ("Local 195") now moves for reconsideration of that decision pursuant to N.J.A.C. 19:14-8.5. Oral argument was also requested. Respondent State of New Jersey (the "State") has filed a letter with the Commission opposing said motion.

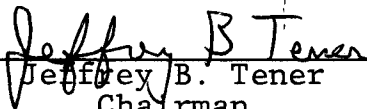
N.J.A.C. 19:14-8.4 specifies "extraordinary circumstances" as grounds for reconsideration. None have been set forth

in Local 195's application and it is hereby denied, along with the request for oral argument. Contrary to Local 195's assertion, we did not overturn credibility determinations made by the Hearing Examiner. Rather, we determined that the facts as he found them did not justify a legal conclusion that the State had violated N.J.S.A. 34:13A-5.4(a)(1) or (3). Although the Commission did draw a factual inference from the record, that was done in the absence of a finding by the Hearing Examiner on the point in question necessitating that the Commission evaluate that testimony for itself. Local 195 now simply expresses its disagreement with our decision without putting forth anything new justifying a change in our conclusions.

ORDER

By reason of the foregoing, it is hereby ORDERED that the motion for reconsideration is denied as is the request for oral argument.

BY ORDER OF THE COMMISSION

  
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Jeffrey B. Tener  
Chairman

Chairman Tener, Commissioners Hartnett, Parcels and Newbaker voted for this decision. Commissioners Graves and Hipp opposed.

DATED: Trenton, New Jersey  
March 8, 1979  
ISSUED: March 9, 1979