

I.R. NO. 92-20

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOUSING AUTHORITY OF THE  
TOWN OF MORRISTOWN,

Respondent,

-and-

Docket No. CO-92-391

MORRIS COUNCIL NO. 6, NJCSA,  
IFPTE, AFL-CIO,

Charging Party.

SYNOPSIS

The Commission Designee declines to bar the discharge of a union adherent in a matter brought by Morris Council No. 6, NJCSA, IFPTE, AFL-CIO, against the Housing Authority of the Town of Morristown.

Council 6 argued that the discharge would interfere with employees' free choice in an upcoming representation election. However, Council 6 had already filed another charge against the Housing Authority and requested that this first charge block the representation election. The request to block was granted and the election was postponed. The irreparable harm alleged by Council 6 was moot.

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Appearances:

For the Respondent  
Grady McMillon, attorney

For the Charging Party  
Fox & Fox, attorneys  
(Stacey B. Rosenberg, of counsel)

INTERLOCUTORY DECISION

On June 4, 1992, Morris Council No. 6, NJCSA, IFPTE, AFL-CIO, filed an unfair practice charge with the Public Employment Relations Commission alleging that the Housing Authority of the Town of Morristown committed an unfair practice in violation of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4(a)(1), (2), (3) and (4), when it discharged Marianne Sylvester for leading an organization campaign among the Housing Authority employees.

The charge was accompanied by an Order to Show Cause seeking to restrain the discharge. The Order was executed and made returnable for June 9, 1992.

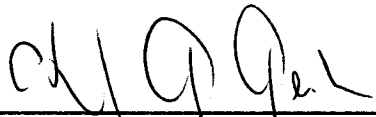
Council 6 argued that the discharge would interfere with employees' free choice in an upcoming representation election (Docket No. RO-92-154). However, I denied the application at the hearing.

The parties entered into an agreement for a consent election and an election was scheduled for May 7, 1992. However, just prior to the election, Council 6 filed an unfair practice charge (concerning unilaterally granted raises) and requested the charge block the representation election. The election was cancelled to give sufficient time to investigate the blocking request and on June 2, 1992, the request to block was granted. The parties were informed that the election would not go forward pending a resolution of the unfair practice charge.

Accordingly, since the election was already blocked, it was not necessary to grant the extraordinary remedy requested here.

This matter will go forward to a full plenary hearing.

BY ORDER OF THE COMMISSION

  
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Edmund G. Gerber  
Commission Designee

DATED: June 16, 1992  
Trenton, New Jersey