

D.U.P. NO. 95-33

STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
BEFORE THE DIRECTOR OF UNFAIR PRACTICES

In the Matter of

ELIZABETH EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-95-70

OPHELIA JEFFERSON,

Charging Party.

SYNOPSIS

The Director of Unfair Practices refuses to issue a complaint on charges that the Elizabeth Education Association violated subsections 5.4(b) (1) and (5) of the Act by interfering with her candidacy for office in its internal election and engaging in racial discrimination during the election. The Director found that no facts warranted the issuance of a complaint.

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Appearances:

For the Respondent,  
Kathy Conroy, President

For the Charging Party,  
Ophelia Jefferson, pro se

REFUSAL TO ISSUE COMPLAINT

On April 21, 1995, Ophelia Jefferson filed an unfair practice charge alleging that the Elizabeth Education Association interfered with her candidacy for office in its internal election, in violation of N.J.S.A. 34:13A-5.4(b)(1) and (5) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.<sup>1/</sup>

The Commission has authority to issue complaints if it appears that the allegations of the charging party, if true, may constitute an unfair practice within the meaning of the Act and that

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<sup>1/</sup> These subsections prohibit employee organizations, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (5) Violating any of the rules and regulations established by the commission."

final proceedings in respect thereto should be instituted in order to afford the parties an opportunity to litigate relevant legal and factual issues. N.J.A.C. 19:14-2.1. The Commission's rules provide that I may decline to issue a complaint. N.J.A.C. 19:14-2.3.

For the reasons stated below, the Commission's complaint issuance standard has not been met.

Jefferson alleged that there was a conspiracy against her within the Association which prevented her from being elected as the Elizabeth Education Association President.

On May 12, 1995, I issued a letter tentatively dismissing Jefferson's charge. On May 22, 1995, Jefferson filed a response further elaborating her position in the charge. She alleged that the Association displayed racial discrimination against her in the election and that the Association failed to reply to her letters requesting its assistance during the election.

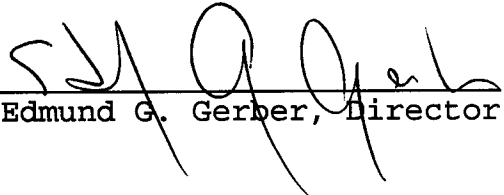
This agency normally has no authority to regulate the internal operations of an employee organization. Although this matter may be within the jurisdiction of the courts, the allegations, on their own, do not state a complaintable charge before this Commission. Jersey City Police Officers Benevolent Association, D.U.P. No. 85-2, 10 NJPER 475 (¶15212 1984); Jersey City Superior Officers, P.E.R.C. No. 83-32, 8 NJPER 563 (¶13260 1983).

Further, "[t]he Commission has no statutory authority to hear or decide cases concerning alleged violations of a citizen's

civil rights." Marlboro Tp. Bd. of Ed. v. Marlboro Tp. Bus Drivers Association & George Watson, Jr., D.U.P. No. 91-1, 16 NJPER 420 (121176 1990). See N.J.S.A. 10:1-1 et seq.

Accordingly, the Commission's complaint issuance standard has not been met and I will not issue a complaint on the allegations of this charge.<sup>2/</sup> Therefore, I dismiss this charge.

BY ORDER OF THE DIRECTOR  
OF UNFAIR PRACTICES

  
Edmund G. Gerber, Director

DATED: June 1, 1995  
Trenton, New Jersey

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<sup>2/</sup> N.J.A.C. 19:14-2.3.