

D.U.P. NO. 93-20

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

In the Matter of

STATE OF NEW JERSEY
(DEPARTMENT OF HUMAN SERVICES),

Respondent,

-and-

Docket No. CI-93-24

NOEL TURNER,

Charging Party.

SYNOPSIS

The Director of Unfair Practices dismisses a charge filed by Noel Turner against the State of New Jersey, Department of Human Services. The Director finds that her allegations do not fall within the purview of the Act, as she only alleges that she was retaliated against for appealing two Department of Personnel exams.

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Appearances:

For the Respondent,
Office of Employee Relations
(Philip B. Whitcomb, ERC)

For the Charging Party,
Noel Turner, pro se

REFUSAL TO ISSUE COMPLAINT

On October 2, 1992, Noel Turner filed an unfair practice charge against the State of New Jersey, Department of Human Services. The charge alleges that the State violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically, subsections 5.4(a)(1), (3), (5) and (7),^{1/} by

^{1/} These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit,

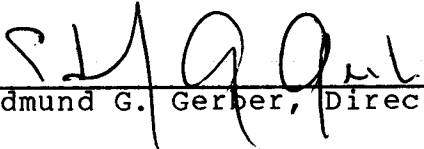
retaliating against Turner for appealing two Department of Personnel exams: one for Executive Assistant 3 and one for Supervisor of Professional and Residential Services.

The State claims that Turner's allegations cannot constitute an unfair practice under the Act; rather, they fall exclusively within the jurisdiction of the Department of Personnel.

Turner's allegations do not meet the Commission's complaint issuance standard. N.J.A.C. 19:14-2.1. Consequently, I decline to issue a complaint on this charge.

Turner alleges only that the State retaliated against her for appealing two Department of Personnel exams. She does not claim retaliation for any activity protected under the Act. Thus, her allegations do not fall within the purview of the Act. See Mt. Olive Tp., D.U.P. No. 85-11, 10 NJPER 603 (¶15281 1984). Since Turner has neither alleged nor provided any facts to support her (a)(1), (3), (5) and (7) allegations, I decline to issue a Complaint on the allegations of this charge.^{2/} Accordingly, the charge is dismissed.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: January 6, 1993
Trenton, New Jersey

1/ Footnote Continued From Previous Page

or refusing to process grievances presented by the majority representative. (7) Violating any of the rules and regulations established by the commission."

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