

D.U.P. NO. 96-13

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

In the Matter of

N.J.E.A. REGIONAL OFFICE #19
& NEW JERSEY EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CO-96-162

NORTH BERGEN FEDERATION OF
TEACHERS, LOCAL 1060, AFT, AFL-CIO,

Charging Party.

SYNOPSIS

The Director of Unfair Practices dismisses an unfair practice charge where the North Bergen Federation of Teachers alleged that the NJEA violated the Act by contacting and distributing signature cards to Federation members during the election-bar period in an effort to entice employees to be represented by the Association.

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Appearances:

For the Charging Party
Mullica & Mullica, attorneys
(Victor P. Mullica, of counsel)

REFUSAL TO ISSUE COMPLAINT

On December 8, 1995, North Bergen Federation of Teachers, Local 1060, American Federation of Teachers, AFL-CIO, filed an unfair practice charge alleging that the New Jersey Education Association violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsection 5.4(b)(1)^{1/}.

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 formal proceedings in respect thereto should be instituted in order

^{1/} This subsection prohibits 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."

to afford the parties an opportunity to litigate relevant legal and factual issues. N.J.A.C. 19:14-2.1. The Commission has delegated authority to issue complaints to the Director of Unfair Practices. The Commission's rules provide that I may decline to issue a complaint. N.J.A.C. 19:14-2.3.

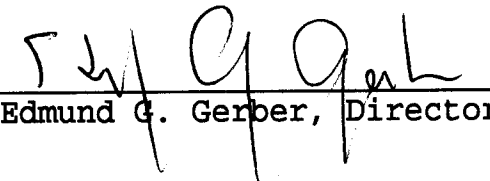
For the reasons stated below, the Commission's complaint issuance standard has not been met.

The Federation alleges that in or about October 1995 the Association violated the Act by contacting and distributing signature cards to Federation members during the election-bar period in an effort to entice employees to be represented by the Association.

The Act does not prohibit an employee organization from soliciting members of another employee organization. Further, the charge presents no factual basis to determine that the Association interfered with, restrained or coerced employees in the exercise of the rights guaranteed to them by the Act. Accordingly, the Federation has not alleged an unfair practice within the meaning of the Act.

Therefore, the complaint issuance standard has not been met and I decline to issue a complaint. The charge is dismissed.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: January 4, 1996
Trenton, New Jersey