

A.B.D. No. 90-15

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEAL BOARD

APPEAL BOARD DKT. No. AB-88-24
OAL DKT. NO. PRB 5109-88

DAVID R. CAULFIELD,

Petitioner,

v.

**COMMUNICATIONS WORKERS
OF AMERICA,**

Respondent.

For petitioner, **Hugh L. Reilly**, Esq., member of Maryland bar, admitted pro hac vice (National Right to Work Legal Defense Foundation, Inc.) and Jeffrey Mintz, Esq., Mesirov, Gelman

For respondent, **Michael T. Leibig**, Esq., member of District of Columbia bar, admitted pro hac vice (Zwerdling, Paul, Leibig, Kahn, Thompson & Driesen, attorneys) and **Steven P. Weissman**, Esq., Communications Workers of America, AFL-CIO District 1

DECISION AND ORDER

On March 14, 1988, David R. Caulfield filed a petition of appeal with the Public Employment Relations Commission Appeal Board ("Appeal Board"). The petitioner was then employed by the State of New Jersey and is represented in collective negotiations by, but is not a member of, respondent, Communications Workers of America, AFL-CIO and its affiliate ("CWA"). He paid a representation fee in lieu of dues which is shared by CWA and its affiliate. The petition sought review of representation fees paid to the CWA and its

affiliated locals and objected to CWA's exclusive representation rights. An Answer to the petition was filed by the CWA. On July 8, 1988, this matter was transferred to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge Richard J. Murphy. CWA and the petitioner have entered into a settlement. On April 3, 1990, Judge Murphy issued an "Initial Decision-Settlement." He reviewed the terms of the settlement and concluded that it was entered into voluntarily and disposed of all issues in dispute. He approved the settlement and ordered that all parties comply with its terms. Pursuant to N.J.S.A. 52:14B-10, the matter is now before the Appeal Board to affirm, reverse, remand or modify Judge Murphy's order.

We have reviewed the settlement and Judge Murphy's order (attached hereto), pursuant to N.J.S.A. 52:14B-10, and conclude that his action is correct.

ORDER

The Initial Decision-Settlement of Judge Murphy is hereby affirmed.

BY ORDER OF THE APPEAL BOARD

WILLIAM L. NOTO
Chairman

Chairman Noto and Board Members Dorf and Verhage voted in favor of this decision.

DATED: TRENTON, NEW JERSEY
May 15, 1990