

A.B.D. No. 95-3

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

APPEAL BOARD DKT. No. AB-94-4
OAL DKT. NO. PRB 2857-94

**SAMUEL POLISCHUK, HELEN NEWSOME,
GEORGE LODER JR., KATHLEEN M. HORN,
LEE ANN MORGAN,**

Petitioner,

v.

**COMMUNICATIONS WORKERS
OF AMERICA, LOCAL 1078,**

Respondent.

Petitioners pro se, **Samuel Polischuk, Helen Newsome, George Loder Jr., Kathleen M. Horn, and Lee Ann Morgan,**

For respondent, **Carla M. Markim-Siegel, Esq.,** (Zwerdling, Paul, Leibig, Kahn, Thompson & Driesen, attorneys) and **Steven P. Weissman, Esq.,** Communications Workers of America, AFL-CIO District 1

DECISION AND ORDER

On November 12, 1993, Samuel Polischuk, Helen Newsome, George Loder Jr., Kathleen M. Horn, and Lee Ann Morgan filed a petition of appeal with the Public Employment Relations Commission Appeal Board ("Appeal Board"). The petitioners are employed by the City of Ocean City and are represented in collective negotiations by, but are not members of, respondent, Communications Workers of America, AFL-CIO and its affiliate Local 1078 ("CWA"). They pay representation fees in lieu of dues which are shared by CWA and its affiliate. The petition sought compliance with settlement orders

entered in two prior cases involving these same petitioners.^{1/}. An Answer to the petition was filed by the CWA. On March 23, 1994, this matter was transferred to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge Lillard E. Law. CWA and the petitioners have entered into a settlement. On April 7, 1995, Judge Law 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 Law's order.

The settlement resolves all claims by the petitioners for representation fees assessed through June 30, 1995. We have reviewed the settlement and Judge Law'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 Law is hereby affirmed.

BY ORDER OF THE APPEAL BOARD

WILLIAM L. NOTO
Chairman

DATED: TRENTON, NEW JERSEY
April 17, 1995

ISSUED:

^{1/} A.B.D. No. 90-2, 15 NJPER 451 (¶20182 1989) and A.B.D. No. 92-5, 18 NJPER 164 (¶23078 1992).

April 11, 1995

M E M O R A N D U M

TO: Appeal Board members
FROM: Don Horowitz, Counsel
RE: Draft Decision in Polischuk v. CWA Local 1078

After the agenda was prepared we received another decision from the OAL. Since this case is a settlement, there will be no exceptions and I am adding it to the agenda to avoid having to hold another meeting to decide it. By the date of our meeting this Monday, the case will be ripe for decision.