

P.E.R.C. NO. 91-32

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COMMUNICATIONS WORKERS OF  
AMERICA, LOCAL 1082 and MIDDLESEX  
COUNTY BOARD OF SOCIAL SERVICES,

Respondents,

-and-

Docket No. CI-90-55

WILLIAM BROWN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains the Director of Unfair Practices' refusal to issue a Complaint based on an unfair practice charge filed by William Brown against the Communications Workers of America, Local 1082 and the Middlesex County Board of Social Services. The charge contested CWA's handling of sexual harassment charges filed against Brown and the Board's discharge of Brown. The Commission agrees with and adopts the Director's finding that Brown had not alleged specific facts which, if proven, would show that CWA had breached its duty of fair representation or that CWA and the Board had colluded to discharge him.

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Appearances:

For the Respondent C.W.A., David Sherman, attorney

For the Respondent Board of Social Services  
Martin R. Pachman, attorney (Evelynn Caterson, of counsel)

For the Charging Party, William Brown, pro se

DECISION AND ORDER

On February 14 and March 12, 1990, William Brown filed an unfair practice charge and an amended charge against the Communications Workers of America, Local 1082, his former majority representative, and the Middlesex County Board of Social Services, his former employer. The charge alleges that CWA violated subsections 5.4(b)(1) through (5)<sup>1/</sup> of the New Jersey

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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. (2) Interfering with, restraining or coercing a public employer in the selection of

Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., and that the Board violated subsections 5.4(a)(1) through (7).<sup>2/</sup> The charge, as amended, contested CWA's handling of sexual harassment charges filed against Brown and the Board's discharge of Brown. The Merit System Board has upheld that discharge.

On August 22, 1990, the Director of Unfair Practices refused to issue a Complaint and dismissed Brown's charges. D.U.P. No. 91-6,     NJPER     (¶     1990). He concluded that Brown had not alleged specific facts which, if proven, would show that CWA had

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1/ Footnote Continued From Previous Page

his representative for the purposes of negotiations or the adjustment of grievances. (3) Refusing to negotiate in good faith with a public employer, if they are the majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit. (4) Refusing to reduce a negotiated agreement to writing and to sign such agreement. (5) Violating any of the rules and regulations established by the commission."

2/ 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. (2) Dominating or interfering with the formation, existence or administration of any employee organization. (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. (4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under 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, or refusing to process grievances presented by the majority representative. (6) Refusing to reduce a negotiated agreement to writing and to sign such agreement. (7) Violating any of the rules and regulations established by the commission."

breached its duty of fair representation or that CWA and the Board had colluded to discharge him.

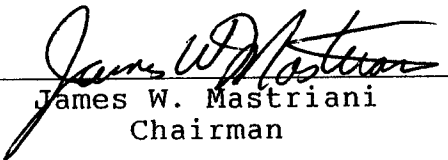
On September 4, 1990, Brown appealed the Director's decision. His letter asserts that he had provided the Commission with sufficient evidence to warrant further proceedings. The Board has submitted a response supporting the Director's decision.

We have reviewed the record. Based on that record, we agree with and adopt the Director's findings and conclusions. We sustain his order.

ORDER

The refusal to issue a Complaint is sustained.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Smith, Wenzler, Johnson, Ruggiero, Bertolino and Reid voted in favor of this decision. None opposed.

DATED: Trenton, New Jersey  
September 27, 1990  
ISSUED: September 28, 1990