

D.U.P. NO. 85-16

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

In the Matter of

BOROUGH OF EATONTOWN,

Respondent,

-and-

DOCKET NO. CO-84-307

EATONTOWN P.B.A. LOCAL 305,

Charging Party.

SYNOPSIS

The Commission Designee declines to issue a complaint where a charge was brought by a P.B.A. unit composed of patrolmen and sergeants protesting the salary award to lieutenants who are outside of the bargaining unit. It was found that the charging party, Eatontown P.B.A. Local 305 has no standing to bring such an action concerning employees outside of its own unit.

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Charging Party.

REFUSAL TO ISSUE COMPLAINT

On May 21, 1984, Eatontown P.B.A. Local 305 filed an Unfair Practice Charge alleging that the Borough of Eatontown ("Borough") violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically §§ 5.3(a)(5) and (7).

By letter dated September 18, 1984, the Administrator of Unfair Practice Proceedings advised the Petitioner that, since it did not represent the Borough's superior officers, it appeared that it lacked standing to file the instant charge. In that letter, the Administrator invited the Petitioner to withdraw its charge or to raise further factual or legal issues.

The undersigned has reviewed the Petitioner's letter of October 8, 1984. It does not raise any issues of fact or law not already considered in this matter.

Therefore, for the reasons set forth in the Administrator's letter of September 18, 1984, the undersigned declines to issue a complaint in the above matter.

BY ORDER OF COMMISSION DESIGNEE

  
Edmund G. Gerber

DATED: November 5, 1984  
Trenton, New Jersey