

D.U.P. NO. 2014-13

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

In the Matter of

NORTH WARREN REGIONAL EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-2013-062

JAMES ANDREW BRIDGE,

Charging Party.

SYNOPSIS

The Director of Unfair Practices (Director) dismisses an unfair practice charge filed by James Andrew Bridge against the North Warren Regional Education Association (Association). The charge alleges the Association violated N.J.S.A. 34:13A-5.4b(1) by removing Bridge as Association President and by interfering with Bridge's campaign to be reinstated as Association President. The Director dismissed Bridge's charge for lack of jurisdiction, finding that the charge alleged an internal union dispute over the application of the Association's by-laws and constitutional provisions governing Bridge's removal as president. The Director noted that the Commission does not have jurisdiction to enforce the Association's constitution or by-laws and added that the Commission lacks jurisdiction over claims by a union member that he or she was wrongfully denied office in the union's organization.

D.U.P. NO. 2014-13

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

In the Matter of

NORTH WARREN REGIONAL EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-2013-062

JAMES ANDREW BRIDGE,

Charging Party.

Appearances:

For the Respondent,  
Bucceri and Pincus  
(Sheldon Pincus, Esq.)

For the Charging Party,  
James Andrew Bridge, Pro Se

**REFUSAL TO ISSUE COMPLAINT**

On June 14, 2013, James Andrew Bridge (Bridge) filed an unfair practice charge against the North Warren Regional Education Association (Association). The charge alleges that the Association violated N.J.S.A. 34:13A-5.4(b)(1)<sup>1/</sup> of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq., (Act), by removing Bridge as Association President and by

---

<sup>1/</sup> This provision 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."

interfering with Bridge's campaign to be reinstated as Association President.

The Commission has authority to issue a complaint where it appears that a charging party's allegations, if true, may constitute an unfair practice within the meaning of the Act.

N.J.S.A. 34:13A-5.4(c); N.J.A.C. 19:14-2.1. The Commission has delegated that authority to me. Where the complaint issuance standard has not been met, I may decline to issue a complaint. N.J.A.C. 19:14-2.3; CWA Local 1040, D.U.P. No. 2011-9, 38 NJPER 93 (¶20 2011), aff'd P.E.R.C. No. 2012-55, 38 NJPER 356 (¶120 2012).

On February 10, 2014, I issued a letter to both parties tentatively dismissing the charge and inviting responses. On February 23, 2014, Bridge filed a response. The Association was provided an opportunity to reply to Bridge's February 23 letter. It filed a response on March 4, 2014.

I find the following facts.

The Association is the exclusive majority representative of certificated, non-supervisory employees of the Board. Bridge is a tenured teacher of German and a former president of the Association. Bridge was elected Association President in or around August 2012.

On Saturday, April 13, 2013, then-President Bridge e-mailed then-Association Vice President, Patricia Douglas-Jarvis (Jarvis)

on his personal e-mail account. His e-mail referenced the North Warren Regional School District's (District) Superintendent, Brian Fogelson and commented on Fogelson's administration of a North Warren Regional Board of Education (Board) policy. In response, Jarvis e-mailed Bridge, describing Fogelson by using an ethnic slur.

On April 19, 2013, the Association's Executive Board conducted a special meeting to discuss Bridge's performance as Association President. The Association's constitution provides that the executive board has authority to manage the Association in keeping with personnel policies adopted by the general membership. The constitution also gives the executive board authority to recommend to the general membership the removal of an Association officer. It specifically provides:

Whenever a majority of the Executive Board shall agree that an officer has been grossly negligent of the duties defined in the by-laws or is incapacitated, it shall recommend to the general membership that the office be declared vacant. If the membership so votes by a simple majority of those present, it shall immediately elect a replacement to fill the unexpired term.

During the April 19 meeting, the executive board discussed removing Bridge as president. Several reasons for removal were discussed including his misrepresentation to the Board of the Association's positions on issues; disregarding the will of the executive board in seeking to reopen a collective negotiations

agreement; his lack of timeliness in the execution of his duties, etc. By a vote of 9-2, the executive board found that Bridge was "grossly negligent" of his duties and recommended to the general membership that the office of the president be declared vacant.

On April 24, 2013, the Association conducted a general membership meeting to consider the executive board's recommendation. Bridge and Jarvis attended the meeting. Don Biery, the Association's treasurer and a member of the executive board, motioned for the general membership to vote on the executive board's recommendation to declare the office of president vacant. Karen Black, another executive board member, moved to replace Bridge with Jarvis as interim president until a special election was conducted for a new president.

Bridge read aloud to members a statement contesting that he was "grossly negligent" in administering his duties as president. He also distributed to members printed copies of the April 13 e-mail he received from Jarvis. In his remarks, Bridge noted the slur used by Jarvis in the e-mail to describe Fogelson and questioned Jarvis's character and fitness for the presidency. After Bridge's presentation, the Association voted in favor of removing Bridge as president and replacing him with Jarvis as interim president.

On April 26, 2013, Bridge submitted a letter to the executive board requesting that he be reinstated as president.

Bridge wrote that the executive board failed to provide proof of injury or harm to the Association from the alleged misconduct, as required by the Association constitution. Bridge also faulted the executive board for raising new allegations at the April 24 general membership meeting and contended that it acted in "gross dereliction of its duty" and demonstrated an "unwillingness to follow the basic rules of our constitution and by-laws."

In his effort to be reinstated as president, Bridge distributed letters to staff summarizing the contents of his April 26 letter to the executive board and urged members to support his reinstatement. Bridge placed the letters on teachers' desks and slipped them under the entrance doors of teachers' classrooms. Several staff members, including Biery and Black, complained to Fogelson that Bridge's campaign efforts and interactions with them went beyond mere advocacy for reinstatement and that they felt harassed and intimidated by Bridge.

On May 6, 2013, Fogelson met with Bridge to discuss the complaints by Biery, Black and others. Association representative Christopher Jones, Business Administrator Christina Sharkey, and Principal Louis Melchor also attended the meeting. Fogelson informed Bridge of the complaints about his campaign-related behavior and afforded Bridge an opportunity to respond. Bridge replied that he "loved working at the school"

and would never intentionally intimidate staff members. Fogelson asked Bridge not to engage in behavior designed to harass or intimidate co-workers and added that if such behavior should occur, Bridge would be suspended with pay and required to undergo a psychiatric examination.

### ANALYSIS

The Commission generally does not have jurisdiction over internal union disputes or matters. NJ State PBA and PBA Local 199 (Rinaldo), P.E.R.C. No. 2011-83, 38 NJPER 56 (¶8 2011); Union City Education Ass'n, D.U.P. No. 98-24, 24 NJPER 42 (¶29026 1997); Jersey City PBA, D.U.P. No. 85-2, 10 NJPER 475 (¶15212 1984). It does not have the power to enforce union constitutions or by-laws. Rinaldo, 38 NJPER at 57. Although such enforcement proceedings may be within the jurisdiction of the courts, allegations of union constitutional or by-law violations do not, on their own, meet the complaint issuance standard. Jersey City PBA, 10 NJPER at 475, citing Jersey City Supervisors Ass'n, P.E.R.C. No. 83-32, 8 NJPER 563 (¶13260 1982); cf. Teamsters Local 331 (McLaughlin), P.E.R.C. No. 2001-30, 27 NJPER 25 (¶32014 2000).

In Rinaldo, the Commission delineated two instances where we would exercise jurisdiction over 5.4(b)(1) allegations concerning internal union matters. The first instance is where a majority representative violates its duty to represent members fairly in

contract negotiations or grievance processing. 38 NJPER at 57.

The second instance is where a majority representative

" . . . arbitrarily, discriminatorily, or invidiously excludes or expels a negotiations unit employee seeking to participate in majority representative affairs affecting his or her employment."

Id. We will exercise jurisdiction in the second instance over claims that a union arbitrarily excluded or expelled an employee from union membership. We will not exercise jurisdiction over claims that a member was wrongfully denied office in the union's organization. Union City Education Ass'n, 24 NJPER at 43; Rinaldo, 38 NJPER at 57.

Bridge's unfair practice charge against the Association does not meet the complaint issuance standard because it concerns an internal union matter that does not implicate Bridge's rights under our Act. The gravamen of the charge is an internal union dispute over Bridge's ouster as Association President and over the application and interpretation of the Association's constitution. The Commission does not have the authority under the Act to interpret or enforce a majority representative's constitution and cannot resolve an internal dispute over the removal of an office holder in the organization.

Bridge has not alleged facts warranting the exercise of our jurisdiction. Unlike the circumstances described in Rinaldo, Bridge's charge does not allege that the Association violated its

duty to represent him in contract negotiations or grievance processing. He does not allege that the Association excluded him from membership activities or otherwise prevented him from participating in Association affairs affecting his employment. Instead, Bridge alleges the Association has interfered with his ability to campaign for reinstatement as Association President. That allegation does not meet our complaint issuance standard.

Bridge also alleges that Biery and Black's complaint to Fogelson that they were harassed or intimidated by his conduct interfered with his politicking and violated section 5.4(b)(1). Even if Biery's and Black's complaints were without merit and undercut his campaign, that conduct does not implicate the Association or any protections extended to Bridge under our Act. Bridge's status as former president of the Association and his politicking do not insulate him from an investigation into complaints about harassment from co-workers. See Rockaway Tp. Bd. of Educ., D.U.P. No. 2014-6, \_\_\_ NJPER \_\_\_ (¶\_\_\_ 2013) (union vice president was not insulated from district investigation into a affirmative action complaint filed by a co-worker by virtue of his positions as vice president and as a member of the union's negotiations committee).

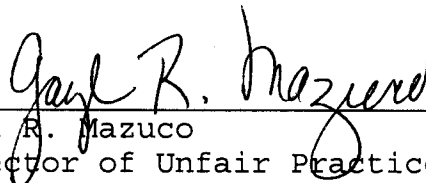
In his February 23 letter, Bridge acknowledges that his charge raises an internal union dispute but contends that it must be investigated because it involves a political dispute and

interference with political speech. The letter reiterates the allegations that Biery and Black filed meritless harassment claims against him for the purpose of aiding the Association in keeping him out of office. These contentions only further reinforce my view that Bridge's charge alleges an internal union dispute, over which we have no jurisdiction.<sup>2/</sup>

For all of these reasons, I find that Bridge's unfair practice charge does not satisfy the complaint issuance standard and dismiss the charge.

**ORDER**

The unfair practice charge is dismissed.

  
Gayl R. Mazuco  
Director of Unfair Practices

DATED: March 11, 2014  
Trenton, New Jersey

This decision may be appealed to the Commission pursuant to N.J.A.C. 19:14-2.3.

Any appeal is due by March 20, 2014.

---

<sup>2/</sup> Bridge argues in the alternative that we should reserve decision on whether to issue a complaint on his charge until his separate unfair practice charges (docket numbers CI-2013-059 - 61) against the District are resolved. There is no basis for granting Bridge's request since the charge against the Association represents a separate and distinct claim that has no bearing on the charges filed against the District. In addition, the Association is not a party to the charges filed against the District.