

D.U.P. NO. 98-24

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

In the Matter of

UNION CITY EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-97-94

BRENDA GORDON,

Charging Party.

**SYNOPSIS**

The Director of Unfair Practices declines to issue a complaint where Brenda Gordon, an individual, claims she was wrongfully denied office in the Union City Education Association. Employee organizations are private organizations and litigation over internal disputes should be in the courts, not before P.E.R.C.

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Appearances:

For the Respondent,  
Balk, Oxfeld, Mandell & Cohen, attorneys  
(Sanford R. Oxfeld, of counsel)

For the Charging Party,  
Reinhardt & Schachter, attorneys  
(Paul Schachter, of counsel)

REFUSAL TO ISSUE COMPLAINT

On June 26, 1997, Brenda Gordon filed an unfair practice charge with the Public Employment Relations Commission alleging that the Union City Education Association engaged in unfair practices within the meaning of N.J.S.A. 34:13A-5.4b(1)<sup>1/</sup> when after an internal Association election on May 20, 1997 Gordon prevailed in the election count. However, the chair of the election committee took the ballots home and without another witness present conducted

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<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."

a recount in this home and thereupon announced that Gordon lost the election. Gordon was never apprised that such a recount would take place.

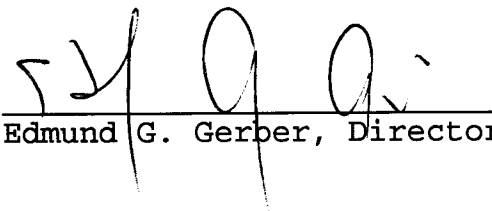
It was further alleged that this conduct interfered with Association members who voted for Gordon, violated an Association by-law that "the tabulation of voting shall be in a central designated location" and has restrained the charging party from taking office.

The Commission is reluctant to intercede in internal union matters. City of Jersey City, P.E.R.C. No. 83-2, 8 NJPER 563 (¶13260 1982). The Commission will exercise jurisdiction in internal union matters only where rights protected by N.J.S.A. 34:13A-5.3 are interfered with. See West New York Supervisors Association, P.E.R.C. No. 89-60, 15 NJPER 21 (¶20007 1988) where the imposition of a penalty fee to join a union interfered with the charging party's right to "freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from such activity."

Here, Brenda Gordon is not being denied membership in the Association. She alleges she is unlawfully being denied office in an employee organization. In Jersey City employees were allegedly denied the ability to hold office. The Commission found that employee organizations are private organizations and litigation over internal disputes such as the right to hold office and should be litigated in the courts.

The same result should be reached here. As in Jersey City, Brenda Gordon's allegations do not constitute an unfair practice within the meaning of the Act.<sup>2/</sup> Accordingly, the unfair practice charge is dismissed and I refuse to issue a complaint.<sup>3/</sup>

BY ORDER OF THE DIRECTOR  
OF UNFAIR PRACTICES

  
Edmund G. Gerber, Director

DATED: November 24, 1997  
Trenton, New Jersey

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<sup>2/</sup> N.J.A.C. 19:14-2.1.

<sup>3/</sup> N.J.A.C. 19:14-2.3.