

D.U.P. NO. 94-33

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

In the Matter of

OLD BRIDGE BOARD OF EDUCATION
& SEIU, LOCAL 74 & OLD BRIDGE
EDUCATION ASSOCIATION,

Respondents,

-and-

Docket No. CI-94-22

SANDRA MOHAMAD,

Charging Party.

SYNOPSIS

The Director of Unfair Practices has refused to issue a complaint against SEIU Local 74 because the Charging Party has failed to correct her defective unfair practice charge. The Director concluded that the Charging Party is no longer interested in pursuing this matter.

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Charging Party.

Appearances:

For the Respondent Board of Education
Wilentz, Goldman & Spitzer, attorneys
(Steven J. Tripp, of counsel)

For the Respondent SEIU Local 74
Manning, Raab, Dealy & Strum, attorneys
(Ira Sturm, of counsel)

For the Respondent Education Association
Glenn Johnson, President

For the Charging Party,
Sandra Mohamad, pro se

DECISION

On October 7, 1993, Sandra Mohamad filed unfair practice charges with the Public Employment Relations Commission ("Commission") against the Old Bridge Board of Education ("Board"), the Old Bridge Education Association ("Association") and SEIU Local 74 ("Local 74") alleging violations of the New Jersey Employer-Employee Relations Act ("Act"), N.J.S.A. 34:13A-1 et seq.,

specifically section 5.4(a)(1)^{1/} with respect to the charge against the Board and section 5.4(b)(1)^{2/} with respect to the charges against the Association and Local 74. On October 18, 1993, I sent the Charging Party a letter indicating that her charges were not in compliance with N.J.A.C. 19:14-1.3 which requires a charge to contain:

...a clear and concise statement of the facts constituting the alleged unfair practice, including, where known, the time and place of occurrence of the particular acts alleged and the names of respondent's agents or other representatives by whom committed....(Emphasis supplied).

The October 18, 1993 letter advised the Charging Party that she had failed to include the date(s) of the act(s) described in the charges. The Charging Party was given until October 29, 1993, to submit an amended unfair practice charge, together with proof of service upon the respective respondents (see N.J.A.C. 19:14-1.5), and, thereby, cure the deficiencies indicated in our October 18, 1993 correspondence.

On November 4, 1993, I received amended unfair practice charges against the Board and the Association which cured the

^{1/} This subsection prohibits 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."

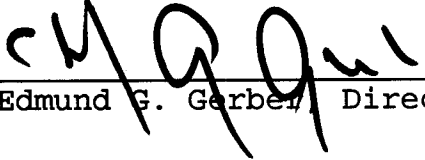
^{2/} This subsection prohibits employee organizations, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act."

deficiencies noted in our correspondence. However, I did not receive an amended unfair practice charge regarding Respondent Local 74.

In correspondence dated February 18, 1994, I advised the Charging Party that I had not received an amended unfair practice charge pertaining to the charge filed against Local 74. I stated in my letter that if the Charging Party failed to file an amended unfair practice charge, properly served upon the opposing parties, by March 1, 1994, I would conclude that she no longer has an interest in pursuing the matter and would dismiss the charge. The Charging Party has neither filed an amended unfair practice charge against Local 74 nor responded to my February 18, 1994 letter.

Consequently, I conclude that the Charging Party is no longer interested in pursuing the charge. Accordingly, based upon the foregoing, I decline to issue a complaint on the charge filed against Local 74. The unfair practice charge as relates to Local 74 is dismissed. N.J.A.C. 19:14-2.3.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: March 15, 1994
Trenton, New Jersey