

STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
BEFORE THE ADMINISTRATOR OF UNFAIR PRACTICE PROCEEDINGS

In the Matter of

COUNTY OF CAMDEN (CAMDEN COUNTY  
SHERIFF'S DEPARTMENT) and PBA,  
LOCAL 277,

Respondents,

-and-

DOCKET NO. CI-84-69

CAPTAIN BERNARD L. WOODS,

Charging Party.

SYNOPSIS

The Administrator of Unfair Practice Proceedings declines to issue a complaint with respect to an unfair practice charge alleging that the Charging Party has been reprimanded in retaliation for carrying out disciplinary duties which are properly within his purview, and has had his weapon withdrawn for initiating a legal dispute arising out of Charging Party's decision to shift from an Identification Officer title to a Sheriff's Officer title, pursuant to recent legislation enabling such a change. Additionally, although the Charging Party alleges a violation against PBA Local 277, he states no facts in support thereof. Accordingly, the Administrator determines that the Charging Party has failed to establish any nexus between his employer's actions and his exercise of any rights under the Act, and has further failed to provide facts in his charge in support of a claimed violation of the Act by his majority representative.

D.U.P. NO. 85-8

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Appearances:

For the Respondent Public Employer  
Howard S. Wilson, attorney

For the Respondent Employee Organization  
Essau Washington, President

For the Charging Party  
Captain Bernard L. Woods, pro se

REFUSAL TO ISSUE COMPLAINT

An Unfair Practice Charge was filed with the Public Employment Relations Commission ("Commission") on March 23, 1984, by Captain Bernard L. Woods ("Charging Party") against the County of Camden (Camden County Sheriff's Department) and PBA Local 277 ("Respondents") alleging that Respondents were engaging in unfair practices within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"). Thereafter, on

April 30, 1984, the charge was amended to include the subsections of the Act alleged to have been violated by Respondents, specifically N.J.S.A. 34:13A-5.4(a)(2), (3) and (4). <sup>1/</sup>

N.J.S.A. 34:13A-5.4(c) sets forth in pertinent part that the Commission shall have the power to prevent anyone from engaging in any unfair practice, and that it has the authority to issue a complaint stating the unfair practice charge. <sup>2/</sup> The Commission has delegated its authority to issue complaints to the undersigned and has established a standard upon which an unfair practice complaint may be issued. The standard provides that a complaint shall issue if it appears that the allegations of the charging party, if true, may constitute an unfair practice within the meaning of the Act and that formal proceedings in respect thereto should be instituted in order to afford the parties an opportunity

<sup>1/</sup> N.J.S.A. 34:13A-5.4(a) prohibits public employers, their representatives or agents from: "(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."

<sup>2/</sup> N.J.S.A. 34:13A-5.4(c) provides: "The commission shall have exclusive power as hereinafter provided to prevent anyone from engaging in any unfair practice ... Whenever it is charged that anyone has engaged or is engaging in any such unfair practice, the commission, or any designated agent thereof, shall have authority to issue and cause to be served upon such party a complaint stating the specific unfair practice and including a notice of hearing containing the date and place of hearing before the commission or any designated agent thereof..."

to litigate relevant legal and factual issues. <sup>3/</sup> The Commission's rules provide that the undersigned may decline to issue a complaint. <sup>4/</sup>

For the reasons stated below it appears to the undersigned that the Commission's complaint issuance standards have not been met with regard to the following alleged violations. <sup>5/</sup>

Charging Party first alleges that he was reprimanded and fined two days pay for carrying out disciplinary duties which are properly within his purview. Second, Charging Party alleges that his authority to carry firearms was withdrawn in retaliation for a legal dispute which ensued following Charging Party's decision to shift from an Identification Officer title to a Sheriff's Officer title, pursuant to recent legislation enabling such a change.

Although the Charging Party has alleged these acts to be violations of N.J.S.A. 34:13A-5.4(a)(2) and (3), he has not identified the rights under the Act which have arguably been interfered with and how such activities purportedly interfere with the functioning of his majority representative. Moreover, Charging Party's statement of facts does not indicate that the employer was motivated to discriminate against him due to his exercise of any protected activities, as set forth in the Act, such as activities in support of an employee representative. The first dispute appears work-related, but does not implicate the exercise of protected rights under the Act. In the second

<sup>3/</sup> N.J.A.C. 19:14-2.1

<sup>4/</sup> N.J.A.C. 19:14-2.3

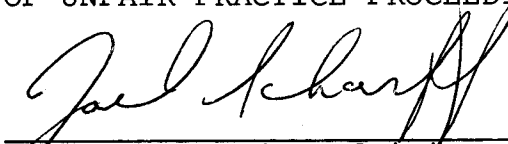
<sup>5/</sup> The undersigned has determined that a complaint shall issue under separate cover with regard to the allegations contained in the third paragraph of the charge, alleging that specific duties under his command were removed because he filed a grievance against the County.

allegation, Charging Party suggests that there are protections which arise from a statute which permit him to continue to carry firearms. Said asserted protection does not arise from any interaction of that statute with rights under the Act.

Additionally, although the Charging Party alleges a violation against PBA Local 277, he states no facts in support thereof.

Accordingly, inasmuch as the Charging Party has failed to establish any nexus between his employer's actions and his exercise of any rights under the Act, and because he has further failed to provide facts in his charge in support of a claimed violation of the Act by his majority representative, the undersigned declines to issue a complaint.

BY ORDER OF THE ADMINISTRATOR  
OF UNFAIR PRACTICE PROCEEDINGS



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Joel G. Scharff, Administrator

DATED: October 3, 1984  
Trenton, New Jersey