

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

In the Matter of

UNION COUNTY WELFARE BOARD and  
COMMUNICATIONS WORKERS OF AMERICA,

Respondents,

-and-

DOCKET NO. CI-79-60

KENNETH ARNOLD,

Charging Party.

SYNOPSIS

The Director of Unfair Practices declines to issue a complaint with respect to an Unfair Practice Charge filed against the Charging Party's employer and majority representative. The Charging Party has not complied with Commission rules requiring that he designate the portion(s) of the Act alleged to be violated.

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REFUSAL TO ISSUE COMPLAINT

An Unfair Practice Charge was filed with the Public Employment Relations Commission (the "Commission") on June 21, 1979, by Kenneth Arnold (the "Charging Party") against the Union County Welfare Board and Communications Workers of America, (the "Respondents") alleging that the 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. (the "Act").

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>1/</sup> The

1/ 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 ... "

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. This 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. <sup>2/</sup> The Commission's rules provide that the undersigned may decline to issue a complaint. <sup>3/</sup>

For the reasons stated below the undersigned has determined that the Commission's complaint issuance standards have not been met.

Consistent with its complaint issuance standards, the Commission's rules state that an unfair practice charge shall contain inter alia:

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 and a statement of the portion or portions of the Act alleged to have been violated. (Emphasis added) <sup>4/</sup>

Accordingly, it is incumbent upon the Charging Party to allege the specific subsections of N.J.S.A. 34:13A-5.4(a) and/or (b), which form the basis of the alleged statutory violation.

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

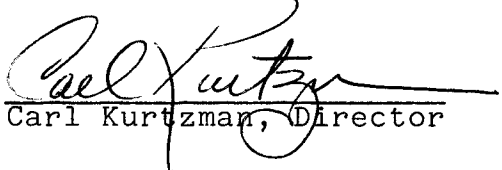
<sup>3/</sup> N.J.A.C. 19:14-2.3

<sup>4/</sup> N.J.A.C. 19:14-1.3

Subsequent to the filing of the instant Unfair Practice Charge, several unsuccessful attempts were made to contact the Charging Party by telephone. Additionally, by letters dated June 28, 1979 and August 18, 1979, the undersigned informed the Charging Party that the Charge could not be processed further unless it was amended, pursuant to N.J.A.C. 19:14-1.5, to include the specific allegations required by N.J.A.C. 19:14-1.3. The undersigned advised that a complaint would not issue if the Charging Party failed to allege the subsections claimed to be violated. The undersigned has not received a reply to these letters, nor has the Charge been amended, as requested.

Accordingly, as the Charge does not contain specific portions of the Act alleged to have been violated by the Respondents, the undersigned declines to issue a complaint.

BY ORDER OF THE DIRECTOR  
OF UNFAIR PRACTICES

  
Carl Kurtzman, Director

DATED: October 12, 1979  
Trenton, New Jersey