

D.U.P. NO. 94-49

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

In the Matter of

TOWNSHIP OF ORANGE AND
ORANGE MUNICIPAL EMPLOYEE
BENEVOLENT ASSOCIATION,

Respondents,

-and-

Docket No. CI-94-57

NORA C. WILLIAMS,

Charging Party.

SYNOPSIS

The Director of Unfair Practices dismisses an unfair practice charge filed by Nora Williams against her employer, the Township of Orange, and the Orange Municipal Employee Benevolent Association. Williams alleges that the Association improperly processed a grievance that it had filed against her on behalf of certain of its unit members who were her subordinates. Williams also alleges that the Township treated her unfairly when it disciplined her based upon information presented by the Association in the grievance it filed against her.

The Director determined that Williams, both as an individual and as an employee not represented by the Association, lacks standing to allege that the contractual grievance procedure was not followed. The Director also found that Williams' allegations against the Township did not implicate her involvement in protected activities under the Act.

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Appearances:

For the Respondent - Township of Orange,
Thomas J. Morrison, III, Administrator

For the Respondent - OMEBA,
Alma Clay, President

For the Charging Party,
Nora C. Williams, pro se

REFUSAL TO ISSUE COMPLAINT

On March 25, 1994, Nora Williams filed an unfair practice charge against the Township of Orange and the Orange Municipal Employee Benevolent Association, alleging violations of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.; specifically, subsections 5.4(a)(7)^{1/} and 5.4(b)(5)^{2/}

^{1/} This subsection prohibits public employers, their representatives or agents from: "(7) Violating any of the rules and regulations established by the commission."

^{2/} This subsection prohibits employee organizations, their representatives or agents from: "(5) Violating any of the rules and regulations established by the commission."

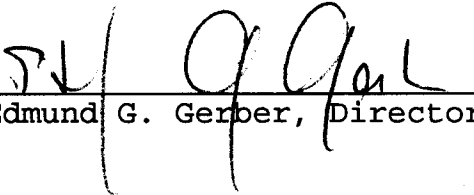
Specifically, Williams alleges that the OMEBA failed to follow its grievance procedure when it filed a grievance against her on behalf of certain of its unit members who are her subordinates. Williams also alleges that the Township's subsequent disciplinary action taken against her was "unfair" because it was based upon information presented by the OMEBA during the processing of this grievance against her.

It is apparent that Williams is not represented by the OMEBA; therefore, not covered by the terms of the negotiated agreement between the OMEBA and the Township. As an individual who is not represented by the OMEBA, Williams' lacks standing to allege that the contractual grievance procedure was not followed. Normally, only the parties to an agreement, in this case the OMEBA and the Township, have standing to contest the application or interpretation of a provision in a negotiated agreement. N.J. Turnpike Authority, P.E.R.C. No. 81-64, 6 NJPER 560 (¶11284 1980), aff'd App. Div. Dkt. No. A-1213-80T2.

Further, Williams' allegation against the Township is not based upon her involvement in activities protected under the Act, e.g. filing grievances or actively participating in collective organization and negotiations or declining to engage in such activities. Without more, these allegations do not meet the Commission's complaint issuance standard (N.J.A.C. 19:14-2.1) and I am precluded from issuing a complaint based upon the mere assertion that the Township's actions toward you were "unfair."

The Commission's complaint issuance standard has not been met. Accordingly, I decline to issue a complaint on the allegations of this charge. N.J.A.C. 19:14-2.3. The charge is dismissed.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: June 7, 1994
Trenton, New Jersey