

D.U.P. NO. 91-20

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

In the Matter of

CITY OF ENGLEWOOD
& RWDSU, LOCAL 29,

Respondents,

-and-

Docket No. CI-90-98

ANDRE DRAKEFORD,

Charging Party.

SYNOPSIS

The Director of Unfair Practices dismisses an unfair practice charge filed by Andre Drakeford against the City of Englewood and RWDSU, Local 29. The Charging Party alleged that he was improperly discharged by the City and that the union failed to provide proper representation. The Director finds that the Charging Party failed to allege facts concerning the City that constitutes an unfair practice. The Director also finds that the Charging Party abandoned his charge against the union.

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Appearances:

For the Respondent City of Englewood
Rupp and TenHoeve, attorneys
(William F. Rupp, of counsel)

For the Respondent RWDSU, Local 29
Jonas Wolf, Representative

For the Charging Party,
Andre Drakeford, pro se

REFUSAL TO ISSUE COMPLAINT

On July 10, 1990, Andre Drakeford ("Drakeford") filed an unfair practice charge against the City of Englewood ("City") and RWDSU, Local 29 ("union") with the Public Employment Relations Commission ("Commission") alleging that he was improperly discharged and the union failed to properly represent him in violation of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

Drakeford specifically alleged that he was discharged on March 7, 1990, after the operating manager of the City's Department of Public Works requested his resignation because he attended a drug

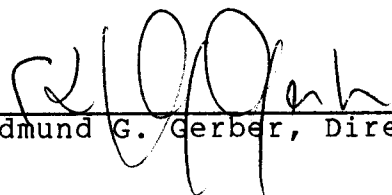
rehabilitation facility. Drakeford alleged that the City did not follow standard rules in his case and further, other employees who attended drug rehabilitation programs were not discharged.

Drakeford also alleged that the union failed to respond to his inquiries and failed to provide him with an arbitration hearing, even though one was promised to him. However, at a conference on Drakeford's charge with a Commission staff agent, Drakeford stated he wanted to abandon his charge against the union. Accordingly, I dismiss that portion of the charge.

This Agency has no jurisdiction to hear Drakeford's charge against the City. The Act does not regulate the employment relationship between an employee and an employer except that an employer may not act in a way which discourages the exercise of certain rights guaranteed by the Act; that is, participation or the refusal to participate in union activity. See N.J.S.A. 34:13A-5.4(a)(3). Elizabeth Housing Authority, D.U.P. No. 90-3, 15 NJPER 385 (¶20162 1989).

Accordingly, I dismiss the unfair practice charge in its entirety.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: February 28, 1991
Trenton, New Jersey