

D.U.P. NO. 84-30

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

In the Matter of

CAMDEN COUNTY SHERIFF'S DEPARTMENT
and P.B.A. LOCAL 277,

Respondents,

-and-

DOCKET NO. CI-84-54

GERALD WOODS,

Charging Party.

SYNOPSIS

The Administrator of Unfair Practice Proceedings declines to issue a complaint concerning allegations of discriminatory treatment against the Charging Party. The Administrator finds that the allegations do not indicate a nexus between the Respondent's conduct and the exercise of protected activity by the Charging Party.

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REFUSAL TO ISSUE COMPLAINT

An Unfair Practice Charge was filed with the Public Employment Relations Commission ("Commission") on January 24, 1984, by Gerald Woods ("Charging Party") against the Camden County Sheriff's Department and P.B.A. Local 277 ("Respondents") alleging that the Respondents engaged in unfair practices within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"), specifically N.J.S.A. 34:13A-5.4(a)(2) and (3) and (b)(2). 1/

1/ 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."

N.J.S.A. 34:13A-5.4(b) prohibits employee organizations, their representatives or agents from: "(2) Interfering with, restraining or coercing a public employer in the selection of his representative for the purposes of negotiations or the adjustment of grievances."

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. ^{2/} 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 to litigate relevant legal and factual issues. ^{3/} The Commission's rules provide that the undersigned may decline to issue a complaint. ^{4/}

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

The gravamen of the charge is Charging Party's allegation that the Sheriff's Department retaliated against him for exercising

^{2/} 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..."

^{3/} N.J.A.C. 19:14-2.1

^{4/} N.J.A.C. 19:14-2.3

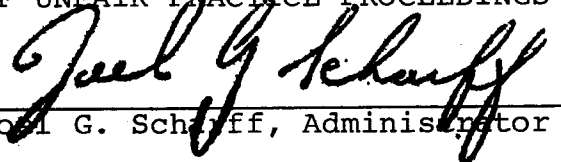
his rights to contest certain matters before the Civil Service Commission. Assuming their truth, these allegations are appropriate for initial consideration by the Civil Service Commission, rather than by the Commission.

The Charging Party also alleges other conduct by the employer which discriminates against him. However, the Charging Party has not asserted facts which indicate that the conduct by either Respondent is retaliation against Charging Party arising from Charging Party's exercise of rights under the Act.

The Charging Party has twice been provided the opportunity to review his charge and to present additional materials in support of his allegations. Subsequent submissions have not provided any additional justification for complaint issuance.

Accordingly, inasmuch as the Charging Party has failed to posit any nexus between the Respondents' actions and his exercise of any rights under the Act, the undersigned declines to issue a complaint.

BY ORDER OF THE ADMINISTRATOR
OF UNFAIR PRACTICE PROCEEDINGS


Joel G. Schreff, Administrator

DATED: June 5, 1984
Trenton, New Jersey