

I.R. NO. 98-16

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

UNION CITY EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-97-94

BRENDA GORDON,

Charging Party.

**SYNOPSIS**

A Commission Designee declines to grant interim relief where Brenda Gordon, an individual, alleges she won an internal local union election but was fraudulently denied the office. Normally the Commission will not interfere in internal union matters.

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Appearances:

For the Respondent,  
Balk, Oxfeld, Mandell & Cohen, attorneys  
(Sanford R. Oxfeld, of counsel)

For the Charging Party,  
Reinhardt & Schachter, attorneys  
(Paul Schachter, of counsel)

INTERLOCUTORY DECISION

On June 26, 1997, Brenda Gordon, an individual, filed an unfair practice charge with the Public Employment Relations Commission alleging that the Union City Education Association engaged in unfair practices within the meaning of N.J.S.A. 34:13A-5.4b(1)<sup>1/</sup> when on May 20, 1997 the Union City Education Association conducted an election of officers and Brenda Gordon, as a candidate for president, received a majority of the votes cast. However, on May 29, 1997, the chairman of the election committee

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<sup>1/</sup> This provision prohibits employee organizations, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act."

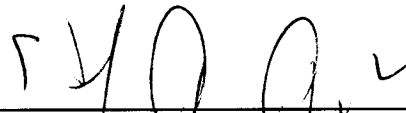
notified Gordon that he had conducted a recount in his home without a witness present and that Gordon had, in fact, lost the election. Gordon was never notified of any challenge to the vote count or request for a recount prior to May 29, 1997 and Gordon has never served as president of the Association. Gordon specifically alleges that the Association has interfered with, restrained and coerced her and all Association members who voted for Gordon and further the Association by-laws at Article VI, Section 2c(2) states that "the tabulation of voting shall be in a central designated location." The recount conducted did not comply with the by-laws and interfered with all those voting for Gordon and their rights under the Act.

The unfair practice charge was accompanied by an application for interim relief and after several delays an order was executed on October 29, 1997. A hearing was conducted on November 18, 1997 and at that time the parties had an opportunity to present exhibits and argue orally. Gordon's application was denied on the record.

To obtain interim relief, the moving party must demonstrate both that it has a substantial likelihood of prevailing in a final Commission decision on its legal and factual allegations and that irreparable harm will occur if the requested relief is not granted. Further, the public interest must not be injured by an interim relief order and the relative hardship to the parties in granting or denying relief must be considered. Crowe v. De Gioia, 90 N.J. 126, 132-134 (1982); Whitmyer Bros., Inc. v. Doyle, 58 N.J. 25, 35

(1971); State of New Jersey (Stockton State College), P.E.R.C. No. 76-6, 1 NJPER 41 (1975); Little Egg Harbor Tp., P.E.R.C. No. 94, 1 NJPER 37 (1975).

The Commission is reluctant to intercede in internal union matters. City of Jersey City, P.E.R.C. No. 83-2, 8 NJPER 563 (¶13260 1982). See Union City Education Association and Brenda Gordon, D.U.P. No. 98-24, \_\_\_ NJPER \_\_\_ (¶\_\_\_\_\_ 1997). Gordon failed to demonstrate how the conduct of the Association, even if true, was an unfair practice within the meaning of the Act. It does not appear from the allegations of the charge that Gordon has a substantial likelihood of success in prevailing before the full Commission.



Edmund G. Gerber  
Commission Designee

DATED: November 24, 1997  
Trenton, New Jersey