

A.B.D. No. 93-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEAL BOARD

In the Matter of

WILLIAM ANDERSON, ET AL.,
Petitioners,

OAL DOCKET NO. PRB 2805-88
APPEAL BD. DOCKET NO. AB-88-8

-v.-

COMMUNICATIONS WORKERS OF
AMERICA,

Respondent.

AND

ALAN OLSEN, ET AL.,
Petitioners,

OAL DKT #PRB 2807-88
AGENCY DKT #AB-88-9

-v.-

COMMUNICATIONS WORKERS OF
AMERICA,

Respondent.

AND

CARMINE J. GRASSO,
Petitioner,

OAL DKT #PRB-1142-90
AGENCY DKT #AB-89-7
(PRB-4103-89 ON REMAND)

v.

**COMMUNICATIONS WORKERS
OF AMERICA,**

Respondent.

AND

JOHANNA NAGEL,

OAL DKT #PRB-10432-90
AGENCY DKT #AB-91-2

Petitioner,

v.

**COMMUNICATIONS WORKERS OF
AMERICA,**

Respondent.

AND

JOHANNA NAGEL,

OAL DKT #PRB-6831-91
AGENCY DKT #AB-90-2
(PRB2532-90 ON REMAND)

Petitioner,

v.

**COMMUNICATIONS WORKERS OF
AMERICA,**

AND

MEVERIL JONES, ET AL.,

OAL DKT #PRB-2243-89
AGENCY DKT #AB-88-10
(PRB-2803-88 ON REMAND)

Petitioners,

v.

**WESTFIELD
EDUCATION ASSOCIATION,**

Respondent.

AND

WILLIAM GRAY, ET AL.

OAL DKT #PRB-2245-89
AGENCY DKT #AB-88-13
(PRB-2808-88 ON REMAND)

Petitioners,

v.

**OCEAN TOWNSHIP
EDUCATION ASSOCIATION,**

Respondent.

AND

JOSEPH ANTONACCI, ET AL.,

Petitioner,

v.

OAL DKT #PRB-2246-89
AGENCY DKT #AB-88-12
(PRB-2809-88 ON REMAND)

**RIDGEWOOD EDUCATION
ASSOCIATION,**

Respondent.

AND

DOROTHY GRAY, ET AL.

Petitioner,

v.

OAL DKT #PRB-2847-89
AGENCY DKT #AB-88-11
(PRB-2802-88 ON REMAND)

**OCEAN TOWNSHIP
EDUCATION ASSOCIATION,**

Respondent.

Appearances:

For the Petitioners, **Hugh L. Reilly** (National Right to Work Legal Defense Foundation, Inc.) and **Jeffrey A. Mintz** (Mesirov, Gelman, Jaffe, Cramer & Jamieson, Esqs.)

For the Respondent, Communications Workers of America, AFL-CIO and Local 1032, CWA, **Michael T. Leibig**, Esq. and **Steven P. Weissman**, Esq.

For the Respondent, Education Associations **Robert H. Chanin**, **Bruce R. Lerner** (Bredhoff & Kaiser, Washington, D.C) and **Richard A. Friedman** (Zazzali, Zazzali, Fagella & Nowak)

DECISION AND ORDER

These petitioners were named plaintiffs in two federal court lawsuits filed against the Communications Workers of America and various affiliates of the New Jersey Education Association, which along with a third suit, filed against the Rutgers Council of the American Association of University Professors ("AAUP"), resulted in Robinson v. N.J., 547 F. Supp. 1297 (D.N.J. 1982); Olsen v. CWA, 559 F. Supp. 754 (D.N.J. 1983); supp. opin. 565 F. Supp. 942 (D.N.J. 1983), rev'd and rem'd 741 F.2d 598 (3d Cir. 1984), rehearing en banc den. 741 F.2d 598 (1984), cert. den. 469 U.S. 1228 (1985) ("Robinson I") and, following remand, Robinson v. N.J., 806 F.2d 442 (3d Cir. 1986), cert. den. 481 U.S. 1070 (1987) ("Robinson II"). They filed these petitions with the Public Employment Relations Commission Appeal Board after the United States Supreme Court declined to review Robinson II.

These petitions were transferred to the Office of Administrative Law as contested cases. They were later consolidated with the AAUP petitions and with unfair practice charges filed by some of the petitioners with the Public Employment Relations Commission. The cases were all assigned to Administrative Law Judge Joseph Lavery. Judge Lavery's consolidation order also found that the Appeal Board had predominant interest in the consolidated cases. That order was reviewed in a joint decision issued by the Commission and the Appeal Board. Anderson v. CWA, Robinson v. Rutgers Council of AAUP Chap. and Olsen v. CWA, A.B.D. No. 90-4, P.E.R.C. No. 90-52, 16 NJPER 13 (¶21008 1989).

The petitioners have entered into settlements with the CWA and the NJEA affiliates.^{1/} On September 23, 1992, Judge Lavery issued an "Initial Decision-Settlement" reviewing the terms of the settlement and concluding that it was entered into voluntarily and disposed of all issues in dispute.^{2/} He approved the settlements and ordered that the parties comply with their terms.

Pursuant to N.J.S.A. 52:14B-10, the matter is now before the Appeal Board to affirm, reverse, remand or modify. We have reviewed the settlements and Judge Lavery's order (attached hereto), and conclude that his action is correct.

The Initial Decision-Settlement ORDER of Judge Lavery is hereby affirmed.

BY ORDER OF THE APPEAL BOARD

WILLIAM L. NOTO
Chairman

1/ We previously approved a settlement of the claims of the AAUP petitioners. Paul H. Robinson, et al. and Rutgers AAUP, A.B.D. No. 91-1, 16 NJPER 569 (¶21249 1990).

2/ The settlements also resolve the unfair practice charges filed with the Commission and end the previously mentioned federal lawsuits. In addition, another federal suit which was held in abeyance during the litigation of the other cases, Nugent v. Kean, No. 83-4534, is also being settled.

Chairman Noto and Board Members Dileo and Dorf voted in favor of this decision.

DATED: TRENTON, NEW JERSEY
November 17, 1992
ISSUED: November 20, 1992