

A.B.D. No. 97-1

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

APPEAL BOARD DKT. No. AB-96-3
OAL DKT. NO. PRB 00361-96S

**SAMUEL H. POLISCHUK, HELEN G. NEWSOME,
GEORGE O. LODER JR., KATHLEEN M. HORN,
LEE ANN MORGAN and TERRI JO PAONE,**

Petitioners,

v.

**COMMUNICATIONS WORKERS
OF AMERICA, LOCAL 1078,**

Respondent.

Petitioners pro se, **Samuel Polischuk, Helen Newsome, George Loder Jr., Kathleen M. Horn, and Lee Ann Morgan,**

For respondent, **Steven P. Weissman, Esq.**, (Weissman & Mintz, attorneys), Communications Workers of America, AFL-CIO, District 1; **Carla M. Markim-Siegel, Esq.**, pro hac vice (Zwerdling, Paul, Leibig, Kahn, Thompson & Driesen, attorneys)

DECISION AND ORDER

On October 12, 1995, Samuel H. Polischuk, Helen G. Newsome, George O. Loder Jr., Kathleen M. Horn, Lee Ann Morgan, and Terri Jo Paone filed a petition of appeal with the Public Employment Relations Commission Appeal Board ("Appeal Board"). The petitioners are employed by the City of Ocean City and are represented in collective negotiations by, but are not members of, respondent, Communications Workers of America, AFL-CIO and its affiliate Local 1078 ("CWA"). They pay representation fees in lieu of dues which are shared by CWA and its affiliate. The petition alleged that the respondent was not complying with administrative regulations governing representation fees in lieu of dues and sought refunds of amounts paid to the Respondent.

On January 30, 1996, this matter was transferred to the Office of Administrative Law as a contested case and was subsequently assigned to Administrative Law Judge John R. Tassini. CWA and the petitioners have entered into a settlement. On June 24, 1996, Judge Tassini issued an "Initial Decision-Settlement." He reviewed the terms of the settlement and concluded that it was entered into voluntarily and disposed of all issues in dispute. He approved the settlement and ordered that all parties comply with its terms. Pursuant to N.J.S.A. 52:14B-10, the matter is now before the Appeal Board to affirm, reverse, remand or modify Judge Tassini's order.

The settlement resolves all claims by the petitioners for representation fees assessed through June 30, 1996. We have reviewed the settlement and Judge Tassini's order (attached hereto), pursuant to N.J.S.A. 52:14B-10, and conclude that his action is correct.

ORDER

The Initial Decision-Settlement of Judge Tassini is hereby affirmed.

BY ORDER OF THE APPEAL BOARD

WILLIAM L. NOTO
Chairman

DATED: TRENTON, NEW JERSEY
August 16, 1996
ISSUED: August 23, 1996