

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

HUNTERDON COUNTY SHERIFF,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-92-356
	:	
HUNTERDON COUNTY SHERIFF'S OFFICERS	:	
ASSOCIATION, F.O.P. LODGE 94,	:	
	:	
Charging Party.	:	
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In the Matter of	:	
	:	
GARY WARFORD,	:	
	:	
Appellant,	:	
	:	
v.	:	OAL Docket No. CSV 9977-92
	:	
HUNTERDON COUNTY SHERIFF'S OFFICE,	:	
	:	
Respondent.	:	
	:	

SYNOPSIS

The Chairman of the Public Employment Relations Commission adopts an Administrative Law Judge's recommendation that a Complaint against the Hunterdon County Sheriff be dismissed. The Complaint, based on an unfair practice charge filed by Hunterdon County Sheriff's Officers Association, F.O.P. Lodge 94, alleged that the Sheriff violated the New Jersey Employer-Employee Relations Act when its president, Gary Warford, was reassigned and suspended as a reprisal for his refusal to support the Sheriff's reelection and his disclosure of abuse of administrative resources. The ALJ concluded that Warford was not subjected to improper reprisal or political coercion and was not the victim of unfair practices.

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HUNTERDON COUNTY SHERIFF'S OFFICE,	:
	:
Respondent.	:
	:

Appearances:

For the Charging Party and Petitioner, Steven A. Varano, attorney

For the Respondents, Thatcher & Lanza, attorneys  
(Thomas J. Lanza, of counsel)

DECISION AND ORDER

On May 4, 1992, the Hunterdon County Sheriff's Officers Association, F.O.P. Lodge 94 filed an unfair practice charge against the Hunterdon County Sheriff. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A.

34:13A-1 et seq., specifically subsections 5.4(a)(1), (2), (3), (5) and (7),<sup>1/</sup> when its president, Gary Warford, was reassigned and suspended as a reprisal for his refusal to support the Sheriff's reelection and his disclosure of abuse of administrative resources.

Warford filed a related appeal to the Merit System Board. A Complaint issued on the unfair practice charge and the Complaint and appeal were consolidated. P.E.R.C. No. 94-10, 19 NJPER 441 (¶24204 1993).

On May 31, 1994, Administrative Law Judge Joseph Lavery concluded that Warford was not subjected to improper reprisal or political coercion and was not the victim of unfair practices. He recommended that the appeal be denied and the unfair practice charge dismissed. Neither party filed exceptions.

On September 20, 1994, the Merit System Board adopted the Administrative Law Judge's findings of fact and conclusions of law. Pursuant to authority granted to me by the full Commission in the

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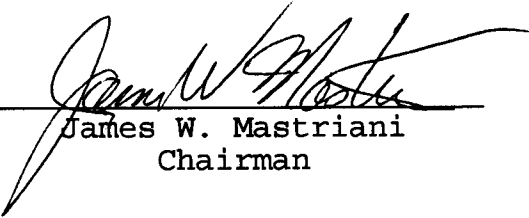
<sup>1/</sup> These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (2) Dominating or interfering with the formation, existence or administration of any 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. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative. (7) Violating any of the rules and regulations established by the commission."

absence of exceptions, I adopt the Administrative Law Judge's conclusion that the Complaint should be dismissed.

ORDER

The Complaint is dismissed.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

DATED: October 13, 1994  
Trenton, New Jersey