

P.E.R.C. NO. 93-92

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JERSEY CITY EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-93-13

JOANNE GROMPONE,

Charging Party.

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JERSEY CITY BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-93-35

JOANNE GROMPONE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of that part of P.E.R.C. No. 93-85 dismissing an unfair practice charge filed by Joanne Grompone against the Jersey City Education Association. In reaching its decision in P.E.R.C. No. 93-85, the Commission considered all of Grompone's allegations and supporting documents and concluded that there were no facts alleged to support a finding that the Association acted arbitrarily, discriminatorily, or in bad faith.

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Appearances:

For the Respondent Association, Feintuch, Prowich &  
Feintuch, attorneys (Philip P. Feintuch, of counsel)

For the Respondent Board, Dr. Elena Scambio, superintendent

For the Charging Party, Joanne Grompone, pro se

DECISION AND ORDER

On April 8, 1993, Joanne Grompone moved for reconsideration of P.E.R.C. No. 93-85, 19 NJPER \_\_\_\_ (¶\_\_\_\_ 1993). In that decision, we sustained the Director of Unfair Practice's decision not to issue a Complaint based on unfair practice charges filed by Grompone against the Jersey City Education Association and the Jersey City Board of Education.

Grompone's motion for reconsideration is limited to the part of P.E.R.C. No. 93-85 dismissing her unfair practice charge against the Association (CI-93-13). She claims that we did not address her claim that the Association violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. by failing to: (1) give her copies of all papers the Association had concerning her; (2) send her copies of correspondence during the processing of her case; and (3) fulfill the terms of an agreement reached during settlement discussions. She further claims that we should have determined the timeliness of her charge against the Association and should have given her more than one or two days notice of the meeting at which P.E.R.C. No. 93-85 was decided.

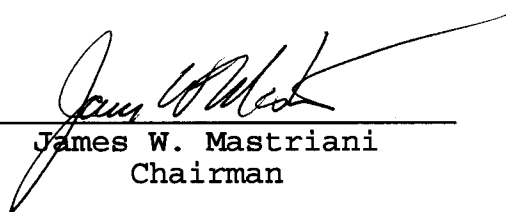
We deny reconsideration. In reaching our decision in P.E.R.C. 93-85, we considered all of Grompone's allegations and supporting documents and concluded that there were no facts alleged to support a finding that the Association acted arbitrarily, discriminatorily, or in bad faith. Given the responses the Association made to her inquiries about receiving payment for accumulated sick leave, Grompone did not show that the Association's failure to send her copies of its files, send her additional correspondence, or even to abide by an alleged agreement at a settlement conference constituted a breach of the duty of fair representation. As for her claim that we should have given her more notice of our last meeting, we complied with the provisions of the

Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., and sent Grompone a copy of the agenda for that meeting as soon as that agenda was known. Finally, we did not reach the issue of the timeliness of her allegations because we found that even if true, those allegations would not constitute an unfair practice.

ORDER

Reconsideration is denied.

BY ORDER OF THE COMMISSION



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James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Goetting, Smith and Wenzler voted in favor of this decision. None opposed. Commissioners Bertolino and Regan abstained from consideration. Commissioner Grandrimo was not present.

DATED: April 29, 1993  
Trenton, New Jersey  
ISSUED: April 30, 1993