

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

CERTIFIED SHORTHAND REPORTERS
ASSOCIATION OF NEW JERSEY and
NEW JERSEY STATE JUDICIARY and
OPEIU, LOCAL 32,

Respondents,

-and-

Docket Nos. CI-96-24
CI-96-25
CI-96-25

JOANNE N. YUHASZ,

Charging Party.

OPEIU LOCAL 32 and NEW JERSEY
STATE JUDICIARY,

Respondent,

-and-

Docket Nos. CI-98-12
CI-98-13

JOANNE N. YUHASZ,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration filed by Joanne N. Yuhasz. The Chair of the Commission had dismissed Yuhasz' appeal of a partial refusal to issue a Complaint and request for special permission to appeal a Hearing Examiner's grant of partial summary judgment dismissing the Certified Shorthand Reporters Association of New Jersey as a respondent. The Commission finds no extraordinary circumstances warranting reconsideration of the Chair's determination.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Respondent, Certified Shorthand Reporters, DeVeux & Seidman, attorneys (Bruce A. Seidman, of counsel)

For the Respondent, New Jersey State Judiciary, Peter Verniero, Attorney General (R. Brian McLaughlin, Deputy Attorney General)

For the Respondent, OPEIU Local 32, Spear, Wilderman, Borish, Endy, Spear & Runckel, attorneys (Samuel L. Spear, of counsel)

For the Charging Party, McKenna & O'Brien, attorneys (Keith A. McKenna, of counsel)

For the Charging Party, Joanne N. Yuhasz, pro se

DECISION

On April 8, 1998, Juanne N. Yuhasz moved for reconsideration of a letter dismissing her pro se appeal of a partial refusal to issue a Complaint, D.U.P. No. 98-30, and her pro se request for special permission to appeal a Hearing Examiner's grant of partial summary judgment dismissing the Certified Shorthand Reporters Association of New Jersey as a respondent, H.E. No. 98-18.

Yuhasz is currently represented by counsel. On January 14, 1998, her attorney filed a motion seeking to be relieved as counsel. The next day, Yuhasz opposed that request. While her attorney's motion was pending, Yuhasz filed an appeal of H.E. 98-18 pro se.

On January 27, 1998, the Chair notified Yuhasz that the agency would consider her appeal as a request for special permission to appeal, but the agency could not consider that request without a substitution of attorney indicating that Yuhasz would be appearing pro se. See R. 1:11-2. In light of the Commission's inability to consider Yuhasz's pro se request while she had an attorney of record, the Chair indicated that two courses of action were possible. The Chair granted Yuhasz 30 days to file a substitution of attorney to herself or another attorney or, during that same 30 day period, to notify this agency that she wished to continue to be represented by her current attorney. If notified that she wished to be represented by her current

attorney, the agency would then consider her attorney's motion to withdraw before acting upon the request for special permission to appeal.

On February 5, 1998, the Chair notified Yuhasz that her appeal of D.U.P. No. 98-30, also filed pro se, was subject to the same treatment during the same 30-day period.

On March 24, 1998, having received no response to her letters, the Chair dismissed Yuhasz's request and appeal.

In her motion for reconsideration, Yuhasz argues that this Commission was attempting to aid her attorney of record, Keith McKenna, "in his quest to detrimentally impede Charging Party's cases ... and force Charging Party to relieve Keith McKenna of his responsibilities to Charging Party." She appears to believe that her signing a substitution of attorney will protect him from her allegations of negligence in handling her cases.

Yuhasz notes that the Chair's January 27 letter asked Yuhasz to indicate whether she wanted to be represented by McKenna, but asserts that the Commission was already notified of her position by her opposition to his motion to be relieved as counsel.

The Chair's letter required Yuhasz to respond within 30 days. Absent a response, the Chair had no authority to consider Yuhasz's pro se filings and thus it was appropriate to dismiss the request and appeal.

Yuhasz was given the opportunity to choose between continuing to have McKenna named as her attorney of record

(subject to subsequent consideration of his motion to withdraw) and substituting herself or someone else. She ignored that opportunity and the Chair consequently ruled that the pro se request and appeal could not be considered. No extraordinary circumstances warrant reconsideration of that determination.


The remaining issues in CI-96-24 and CI-96-26 are still pending before the Hearing Examiner. The additional issue of who will be representing Yuhasz in those matters is still outstanding and must be resolved by the Hearing Examiner before the case can proceed to hearing.

Finally, it appears that D.U.P. No. 98-30 did not dispose of all of the issues in CI-98-12 and CI-98-13. Accordingly, Yuhasz's appeal is technically a request for special permission to appeal. See N.J.A.C. 19:14-2.3(c). Action on the remaining issues has yet to be taken by the Director of Unfair Practices. The additional issue of who will be representing Yuhasz in those matters is still outstanding and must be resolved by the Director before any further action can be taken.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION


Millicent A. Wasell
Chair

Chair Wasell, Commissioners Boose, Buchanan, Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed.

DATED: May 27, 1998
Trenton, New Jersey
ISSUED: May 28, 1998