

P.E.R.C. NO. 2017-23

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TRANSIT,

Respondent,

-and-

Docket No. CI-2015-004

THEODORE WARFIELD,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission affirms the decision of the Director of Unfair Practices declining to issue a Complaint based on the unfair practice charge, as amended, by Theodore Warfield against New Jersey Transit (NJT). The charge alleges that NJT violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1), (3), (4) and (5), by terminating Warfield after he had filed an unfair practice charge with the Commission. The Commission agrees with the Director's determination that Warfield's charge does not satisfy the complaint issuance standard.

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, Christopher S. Porrino, Attorney General of New Jersey (Michael J. Gonnella, Deputy Attorney General)

For the Charging Party, (Theodore Warfield, Pro Se)

DECISION

On August 5, 2016, Theodore Warfield appealed a decision of the Director of Unfair Practices that refused to issue a Complaint based on the unfair practice charge, as amended, he filed against his former employer, New Jersey Transit. D.U.P. No. 2017-2, 43 NJPER 84 (¶24 2016). Warfield's charge, alleges that New Jersey Transit violated N.J.S.A. 34:13A-5.4a(1), (3), (4) and (5).

Warfield's appeal is a one page document with attached exhibits. It reads in its entirety:

NJ Transit did fire the charging party on 4 March 14 for a number [of] reasons, one a clear violation of PERC policy and rules because the charging party filed a successful PERC complaint against NJT on 2 May 12

resulting in a removal [of] a written warning for filing [an] EEOC complaint against NJ Transit on Jan. 24, 2013. NJ Transit has always used progressive discipline with all [their] employees but not the charging party. See attached decisions.

The Director's decision discusses the allegations of Warfield's charge and why it does not satisfy the complaint issuance standard. D.U.P. No. 2017-2 also chronicles prior unfair practice charges and employment-related actions the charging party and/or his majority representative has pursued. Based on the reasons set forth in that decision we deny the charging party's appeal.

ORDER

The refusal to issue a Complaint is sustained.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Bonanni, Jones, Voos and Wall voted in favor of this decision. None opposed. Commissioners Boudreau and Eskilson were not present.

ISSUED: October 20, 2016

Trenton, New Jersey