

P.E.R.C. NO. 95-60

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEWARK HOUSING AUTHORITY,

Respondent,

-and-

Docket No. CI-H-94-51

CLIFFORD WILLIAMS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses a complaint based on an unfair practice charge filed by Clifford Williams against the Newark Housing Authority. The charge alleges that employer violated the New Jersey Employer-Employee Relations Act when it terminated Williams, who was president of the union representing the employer's special police. The Commission finds no connection between the charging party's protected activity and his termination and no proof in the record that his termination violated the Act.

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, Windell Wilson, Director of Labor Relations

For the Charging Party, Balk, Oxfeld, Mandell & Cohen, attorneys (David B. Friedman, of counsel)

DECISION AND ORDER

On March 16, 1994, Clifford Williams filed an unfair practice charge against the Newark Housing Authority. 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), (3) and (4),^{1/} when, on January 21, 1994, it terminated

^{1/} 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. (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. (4) Discharging or otherwise discriminating against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act."

Williams, who was the president of the union representing the employer's special police.

On August 5, 1994, a Complaint and Notice of Hearing issued. The respondent did not file an Answer.

On October 11, 1994, Hearing Examiner Jonathon Roth conducted a hearing. The charging party testified and introduced exhibits. The respondent did not attend.

At the conclusion of the charging party's closing argument, the Hearing Examiner dismissed the Complaint as untimely. He found that although the charge indicates that Williams was terminated on January 21, 1994, evidence presented at the hearing convinced him that Williams was terminated on February 19, 1993. He concluded that the charge was therefore filed outside the six-month statute of limitations and should be dismissed.

On December 5, 1994, after receiving an extension of time, the charging party requested review of the Hearing Examiner's decision dismissing the Complaint. The charging party claims that he was not officially terminated under Housing Authority and Department of Personnel procedures until January 21, 1994 and thus the charge was timely filed.

We have reviewed the record. We summarize the relevant facts.

Clifford Williams was a special police officer hired by the Newark Housing Authority in October 1989. He was the chief organizer of the union certified as majority representative of the

employer's special police officers in July 1992. The Authority did not oppose unionization. Two years earlier, Williams had organized the security guards into another union.

The special police and the Authority had 10 to 12 negotiations meetings before January 1993, when Williams was admitted to Beth Israel Hospital for open heart surgery. In a letter dated February 19, 1993, the Authority's Supervisor of Security Officers notified Williams that his prior request for a leave of absence had been denied; she had not heard from him since then; and he was terminated effective that date. Williams then presented the Authority with a doctor's note releasing him to return to work on March 1, 1993. Williams met with other Authority representatives, but they supported his discharge. There were also some private discussions about the possibility of reinstatement before collective negotiations broke off in October 1993.

In a letter dated January 6, 1994, Williams was informed by the Authority's Assistant Personnel Officer that it had come to the Authority's attention that he had been absent from work since March 3, 1993. Unless Williams complied with certain requirements, the personnel office would have to initiate his termination. On January 21, 1994, Williams was notified by letter that the Board of Commissioners had terminated his employment effective that date. On March 16, Williams filed this charge.

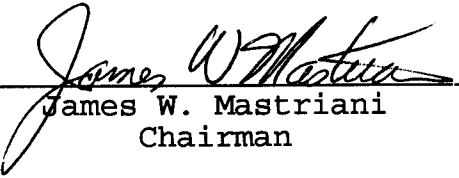
We will assume that the charge was timely. On the merits, we find no connection between the charging party's protected

activity and his termination and no proof in the record that his termination violated the Act. In re Bridgewater Tp., 95 N.J. 235 (1984). Accordingly, we must dismiss the Complaint.

ORDER

The Complaint is dismissed.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Boose, Finn, Klagholz and Ricci voted in favor of this decision. Commissioner Buchanan voted against this decision. Commissioner Wenzler was not present.

DATED: February 28, 1995
Trenton, New Jersey
ISSUED: March 1, 1995