

P.E.R.C. NO. 94-82

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1081,

Respondent,

-and-

Docket No. CI-94-10

JAMES WILLIAMS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission reopens CI-94-10, a case that had been deemed withdrawn. In that unfair practice charge, James Williams alleges that Communications Workers of America, Local 1081 violated the New Jersey Employer-Employee Relations Act by failing to provide financial statements required to be provided by a union bylaw.

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Appearances:

For the Charging Party, James Williams, pro se

DECISION AND ORDER

On December 1, 1994, we received an appeal of a November 19, 1993 letter of the Director of Unfair Practices refusing James Williams' request to reopen his unfair practice charge against Communications Workers of America, Local 1081. That charge, filed on August 16, alleged that Local 1081 violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by failing to provide financial statements required to be provided by a union bylaw.

On August 19, 1993, the Director gave Williams until August 30 to cure certain defects in the charge or he would deem it withdrawn. Williams was granted an extension of time until September 8. Having received no amendment by September 10, the Director mailed a letter that day deeming the case withdrawn.

However, an amendment arrived that same day, apparently crossing in the mail. Williams asked the Director to reconsider his action. Pursuant to our instructions in State of New Jersey (Dept. of Human Services), P.E.R.C. No. 89-52, 14 NJPER 695 (¶19297 1988), the Director informed Williams that he had to file a motion to reopen his case and that he had to show good cause.

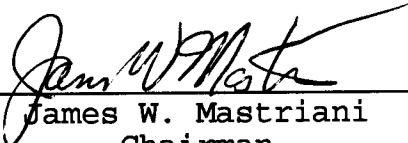
On October 13, 1993, Williams filed a motion to reopen. He informed the Director that he had sent his amendment registered mail on September 7, believing that it was a 24 hour service. On November 19, the Director denied the motion finding no good cause to reopen. On December 1, Williams faxed us this appeal. On December 9, the Chairman informed Williams of certain defects in the appeal. On December 16, Williams cured those defects.

Under all the circumstances of this case, we reopen this charge. We do so having considered Williams' reason for the delay in meeting the deadline imposed by the Director, the fact that the respondent has been served with the motion to reopen and this appeal and has not opposed them, and the fact that Williams could have filed his amendment as a new charge within the six months statute of limitations. We express no opinion on whether or not Williams has cured any or all of the defects noted in the Director's August 19 letter. The Director will consider the adequacy of the amended charge in the course of processing it.

ORDER

CI-94-10 is reopened.

BY ORDER OF THE COMMISSION

  
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James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Bertolino, Goetting, Grandrimo, Regan, Smith and Wenzler voted in favor of this decision. None opposed.

DATED: January 24, 1994  
Trenton, New Jersey  
ISSUED: January 25, 1994