

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ROXBURY TOWNSHIP BOARD OF
EDUCATION,

Respondent,

Docket No. CI-80-21

-and-

THOMAS DUFFY SHEARY,

Charging Party.

SYNOPSIS

The Commission delegated to the Chairman the authority to issue a decision on behalf of the Commission regarding an appeal from a decision of the Director of Unfair Practices in which the Director refused to issue a complaint. The Chairman affirmed the decision of the Director, concluding that the matter is governed by the Supreme Court's decision in City of Hackensack v. Winner, et al, 82 N.J. 1 (1980). The subject matter of the dispute is one that predominantly relates to a proceeding before the Department of Education and should therefore be considered exclusively by that agency.

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Appearances:

For the Charging Party, John W. Davis, UniServ
Field Representative, New Jersey Education Association

DECISION AND ORDER

An Unfair Practice Charge was filed with the Public Employment Relations Commission on January 16, 1980 and amended on February 11, 1980 by Thomas Duffy Sheary ("Charging Party") alleging that the Roxbury Township Board of Education ("Board") had violated N.J.S.A. 34:13A-5.4(a)(3) and (4) of the New Jersey Employer-Employee Relations Act. Specifically, the charge alleges that the Board discriminated against Mr. Sheary because Mr. Sheary filed a petition before the Commissioner of Education.

On March 18, 1980, the Director of Unfair Practices issued a written decision in which he refused to issue a Complaint on this charge. D.U.P. No. 80-19, NJPER (¶ 1980). Pursuant to N.J.A.C. 19:14-3.2 Mr. Sheary has appealed from the Director's decision.

The Director refused to issue a Complaint because he concluded from the submissions that the matter was one that predominantly related to a proceeding before the Department of Education and which should be considered exclusively by that agency. He cited the Supreme Court's decision in City of Hackensack v. Winner, et al, ___ N.J. ___ (January 22, 1980).

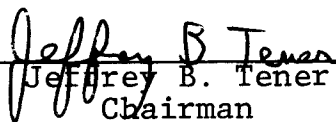
We have considered the submissions of the parties as well as the letter appeal filed on behalf of the charging party.

We agree with the Director that this matter is governed by the Supreme Court's decision in Hackensack and that this entire matter should be heard by the Department of Education. Therefore, we affirm the decision of the Director in refusing to issue a Complaint in this matter.

ORDER

The decision of the Director of Unfair Practices in refusing to issue a Complaint in this matter is affirmed.

BY ORDER OF THE COMMISSION



Jeffrey B. Tener
Chairman

DATED: Trenton, New Jersey
April 7, 1980