

P.E.R.C. NO. 2014-68

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
AND
COMMISSIONER OF EDUCATION

In the Matter of

JAMES A. BRIDGE,

Petitioner/Charging Party,

-and-

OAL Docket No. EDU 14001-13

Agency Dkt. No. 215-9/13

PERC Dkt. Nos. CI-2013-059

NORTH WARREN REGIONAL SCHOOL

CI-2013-060

DISTRICT BOARD OF EDUCATION,

CI-2013-061

Respondent/Respondent.

SYNOPSIS

The Chair of the Public Employment Relations Commission and the Acting Commissioner of Education issue a Joint Order consolidating for hearing petitions filed by James A. Bridge with the Commissioner of Education and unfair practice charges filed by Bridge against the North Warren Regional School District Board of Education. The Chair and Acting Commissioner further hold that PERC has the predominant interest and appoint a PERC Hearing Examiner as a temporary Administrative Law Judge to issue a recommended decision to both agencies.

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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JAMES A. BRIDGE,

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OAL Docket No. EDU 14001-13

Agency Dkt. No. 215-9/13

PERC Dkt. Nos. CI-2013-59

NORTH WARREN REGIONAL SCHOOL

CI-2013-60

DISTRICT BOARD OF EDUCATION,

CI-2013-61

Respondent/Respondent.

Appearances:

For the Petitioner/Charging Party, James A. Bridge, Pro Se.

For the Respondent/Respondent, Fogarty & Hara, attorneys (Stephen R. Fogarty, of counsel)

DECISION

On June 14, 2013, James A. Bridge filed three unfair practice charges with the Public Employment Relations Commission (PERC) against the North Warren Regional School District Board of Education (Board). All of the unfair practice charges filed against the Board allege violations of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.4(a)(1)^{1/} The first

^{1/} This provision prohibits 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."

charge, CI-2013-59, alleges the Board violated the Act when the Superintendent issued a verbal and written warning to Bridge regarding a union-related flier he distributed to North Warren Regional Education Association (Association) members. The second charge, CI-2013-60, alleges the Board violated the Act when the Principal informed Bridge that he was being investigated for violating the Affirmative Action (AA) policy. The allegations for the investigation were that Bridge showed Association members an e-mail authored by the Association Vice-President, and rival for the Association presidency, that contained an anti-Semitic reference to the Superintendent. The third charge, CI-25013-61, alleged the Board violated the Act when it processed an AA complaint against Bridge relating to his Association activities. A fourth charge, CI-2013-62, was filed against the Association.^{2/}

On August 26, 2013, Bridge filed a petition with the Commissioner of Education asserting similar allegations set forth in his unfair practice charges and an appeal of the withholding of his salary increment by the Board. Bridge filed another petition with the Commissioner related to the AA Office findings.

^{2/} The Director of Unfair Practices refused to issue a Complaint on the charge against the Association as it related to internal Association matters. D.U.P No. 2014-13, 40 NJPER ___ (¶___ 2014).

This petition was consolidated with the first and transferred to the Office of Administrative Law on November 18, 2013.

On January 30, 2014, the PERC Director of Unfair Practices consolidated the unfair practice charges against the Board and issued a Complaint.

On January 13, 2014, the Board filed a motion with the Administrative Law Judge to consolidate the PERC and Commissioner of Education matters and for a predominant interest determination. On January 23, 2014, Bridge filed an answer opposing the motion.

On March 20, 2014, Administrative Law Judge Irene Jones issued an Order for Consolidation and Determination for Predominant Interest finding the matters should be consolidated and that PERC has the predominant interest.

Having independently evaluated the record, the Chair of the Public Employment Relations Commission, acting pursuant to authority delegated to her by the full Commission and the Commissioner of Education issue the following:

JOINT ORDER

The matters should be consolidated before PERC Hearing Examiner Wendy L. Young designated as a Special Administrative Law Judge pursuant to N.J.S.A. 52:14F-6(b). The Public Employment Relations Commission has the predominant interest. The Hearing Examiner will first offer recommended findings of

fact and conclusions of law to both the Public Employment Relations Commission and the Commissioner of Education, disposing of all issues in controversy through a single initial decision under N.J.A.C. 1:1-18.3 and consistent with N.J.A.C. 1:1-17.8(a). Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Public Employment Relations Commission to resolve the unfair practice issues within its jurisdiction. PERC's decision and the complete record will then be sent to the Commissioner of Education who will decide any remaining education law issues.

If necessary, the matter will then be returned to PERC for any specialized relief necessitated by the Commissioner of Education's decision.

DECISION RENDERED BY THE
COMMISSIONER OF EDUCATION ON
April 9, 2014

David C. Hespe
Acting Commissioner
Trenton, New Jersey

DECISION RENDERED BY THE CHAIR
OF THE PUBLIC EMPLOYMENT
RELATIONS COMMISSION ON
April 8, 2014

P. Kelly Hatfield
Chair
Trenton, New Jersey