



STATE OF NEW JERSEY
 PUBLIC EMPLOYMENT RELATIONS COMMISSION
 PO Box 429
 TRENTON, NEW JERSEY 08625-0429

For Courier Delivery
 495 West State St.
 Trenton, NJ 08618

UNFAIR PRACTICE CHARGE

File an original and 9 copies of this charge with the Director of Unfair Practices, Public Employment Relations Commission, together with proof of the simultaneous service of a copy of the charge on the respondent(s). See Instructions on back.	DO NOT WRITE IN THIS SPACE DOCKET NO. _____ DATE FILED: _____
1. CHARGING PARTY	
Full Name: Monmouth County Sheriff's Officers, PBA Local 314	County: Monmouth
Address of Charging Party (Street and Number, City, State and Zip Code): c/o Mets Schiro & McGovern, LLP, P.O. Box 668, Woodbridge, New Jersey 07095	
Name and Title of Representative to Contact James M. Mets, Esq.	Telephone No. (732) 636-0040
Attorney/Consultant Representing Charging Party (if any): James M. Mets, Esq.	Telephone No. (732) 636-0040
Attorney/Consultant Address (Street and Number, City, State and Zip Code): P.O. Box 668, Woodbridge, New Jersey 07095	
2. RESPONDENT(S) (Public employer and/or employee organization against whom charge is made)	
Full Name: Monmouth County and Monmouth County Sheriff	County: Monmouth
Address of Respondent(s) (Street and Number, City, State and Zip Code): 50 East Main Street, Freehold, New Jersey 07728	
Name and Title of Representative to Contact: Parthenopy A. Bardis, Esq.	Telephone No. (732) 431-7139
Attorney/Consultant Representing Respondent(s) (if any): Parthenopy A. Bardis, Esq.	Telephone No. (732) 431-7139
Attorney/Consultant Address (Street and Number, City, State and Zip Code): 50 East Main Street, Freehold, New Jersey 07728	
3. STATEMENT OF CHARGE (See instructions on back)	
Pursuant to the New Jersey Employer-Employee Relations Act, as amended, the charging party hereby alleges that the above-named respondent(s) has (have) engaged or is (are) engaging in an unfair practice within the meaning of N.J.S.A. 34:13A-5.4(a), subsection(s) <u>1, 2, 3, 5</u> and/or N.J.S.A. 34:13A-5.4(b), subsection(s) _____, in that:	
<div style="text-align: center;"> (List subsections) (List subsections) </div> (See Attached)	
(Indicate whether additional sheets are attached)	

4. REMEDY SOUGHT (State the remedy you request the Commission to order)

PBA Local 314 seeks an order requiring Monmouth County and the Sheriff to cease and desist from any actions based on anti-union animus. PBA Local 314 further seeks to enjoin Monmouth County and the Sheriff from laying off any bargaining unit members as any such layoffs are based on anti-union animus. In addition, the Union seeks any other relief that the Commission deems reasonable and just, including but not limited to a notice acknowledging such violations of the Act.

(Indicate whether additional sheets are attached)

5. CHECK ALL PETITIONS AND/OR CHARGES FILED RECENTLY OR SIMULTANEOUSLY WITH THIS CHARGE.
(Indicate date(s) filed and docket number(s) assigned, if available)

<input type="checkbox"/>	Petition to Initiate Compulsory Interest Arbitration Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Request for Submission of Panel of Arbitrators Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Notice of impasse Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Scope of Negotiations Petition Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Representation Petition Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Petition for Issue Definition Determination Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Petition for Contested Transfer Determination Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Other Unfair Practice Charge(s) Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Related Filings At Other Administrative Agencies Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Other (explain)

6. CERTIFICATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Signature _____ Title _____ Date _____

INSTRUCTIONS FOR FILING AN UNFAIR PRACTICE CHARGE

1. Type or clearly print all information.
 2. Fill in all sections of the charge.
 3. Under "Statement of Charge" provide a clear and concise statement of the facts constituting the alleged unfair practice.
Be sure to:
 - a. list the subsections of the Act alleged to have been violated.
 - b. specify the time and place the alleged acts occurred and the names of the persons alleged to have committed such acts.
- Attach additional sheets if necessary.
4. State specifically the remedy you are asking the Commission to order.
 5. Indicate all related petitions and charges by "checking" the appropriate boxes and filling in the Docket No. and Date Filed.
 6. Sign the Certification above.
 7. File an original and nine copies with the Director of Unfair Practices, Public Employment Relations Commission.
 8. Include with your filing proof that you served a copy of the charge on the respondent(s). Proof can take the form of a statement explaining how, when and on whom the charge has been served.

3. STATEMENT OF CHARGE

Monmouth County Sheriff's Officers, PBA Local 314 ("PBA Local 314" or "the Union") is the certified majority bargaining agent for all rank and file sheriff's officers pursuant to the New Jersey Public Employer-Employee Relations Act ("the Act"). The Monmouth County Sheriff ("Sheriff") and Monmouth County ("County" or "Employer") are public employers within the meaning of the Act. The Union and the Employers are parties to a collective bargaining agreement that expired December 31, 2008. The parties are currently in negotiations and heading to interest arbitration.

Beginning in late December 2008 or early January 2009, the PBA Local 314 leadership learned that the County was planning to layoff employees. The Union was assured, however, that uniformed services (including sheriff's officers) would not be affected. On January 9, 2009, County Administrator Robert Czech ("Czech") held a meeting with representatives from each union representing employees within the County. At that meeting, Czech informed the representatives that their members would be forced to either forego wage increases in 2009 or the County would lay off employees. Czech then stated that each union that refused the wage freeze would be specifically targeted in the layoffs.

The Union refused to accept this offer and insisted that the County comply with the step wage increases contained in the collective bargaining agreement between the parties.

On or about February 5, 2009, Monmouth County Sheriff, Kim Guadagno informed the leadership of PBA Local 314 that the County had instructed her to layoff a specified number of positions. The Sheriff further informed the Union that she was instructed to target only employees who were members of labor unions. The Sheriff advised that she was not given the option of cutting programs or exploring other cost-saving methods but that she could cut only union positions.

The County's decision to specifically target unionized employees for layoff is a violation of the Act. In addition, the County's demand that the Union accept wage freezes or it will target only Union bargaining unit members while the parties are engaged in negotiations is bad faith bargaining and chills the entire collective bargaining process.

In effect the County requests that unionized employees either (1) allow a wage freeze that would contradict their collective bargaining agreements or (2) subject themselves to layoff. The County's current attempt to lay off employees in PBA Local 314 because the Union refused to accept a wage freeze is a result of anti-union animus. Moreover, the County's anti-union animus is clearly evidenced in its refusal to allow the Sheriff to explore other cost-cutting measures in lieu of laying-off Union members.

As a result of the above acts, the County has violated sections 5.4(a)(1), (2), (3) and (5) of the Act.