

**STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

CHRISTOPHER LEARY,

Charging Party,

v.

NEW JERSEY STATE POLICEMEN'S
BENEVOLENT ASSOCIATION,
MAINLAND LOCAL #77,

Respondent.

PERC Charge No. _____

UNFAIR LABOR PRACTICE CHARGE

Charging Party Christopher Leary ("Leary") hereby charges Respondent New Jersey State Policemen's Benevolent Association, Mainland Local #77 ("Local 77" or "Union") with violating N.J.S.A. 34:13A-5.4(b)(1) by retaliating against him for engaging in protected activity. In support of this charge, Leary states as follows.

1. Leary is a police officer for the Egg Harbor Township Police Department ("Department"). His employer is the Township of Egg Harbor ("Township").
2. Local 77 is a labor union that, for purposes of collective bargaining with the Township, is the exclusive representative of police officers, like Leary, who are employed in the Department. It is a local affiliate of the New Jersey State Policemen's Benevolent Association ("State PBA").
3. Since 2003, the Township has employed Leary as a police officer.
4. Throughout that time, Leary has been a dues-paying member of Local 77 and the State PBA.

Leary's 2023 PERC Charge and Federal Lawsuit Against Local 77

5. In September 2022, Leary was a candidate for a Sergeant position with the Township and participated in a promotional testing process for that position.

6. The Township did not select Leary for the Sergeant position.

7. Subsequently, Leary sought to obtain information regarding the Township's decision, including his results from the promotional testing process.

8. To obtain this information, Leary, with the assistance of Local 77, pursued a grievance. In doing so, he followed the grievance process that the collective bargaining agreement between the Township and Local 77 establishes.

9. The Township denied Leary's grievance at all relevant steps. Local 77, in turn, refused to take the grievance to arbitration.

10. On July 28, 2023, Leary filed an unfair labor practice charge with the New Jersey Public Employment Relations Commission ("PERC"), Docket No. C12-2024-12. He filed the charge against the Township and Local 77. In the charge, he alleged, inter alia, that Local 77 breached its duty of fair representation when it refused to take his grievance to arbitration.¹

11. On July 30, 2023, Leary filed a federal lawsuit in the U.S. District Court for the District of New Jersey. He filed the lawsuit against the Township, Local 77, Local 77's President Jeffrey Lancaster ("Lancaster"), Local 77's Business Agent Reynold Theriault ("Theriault"), and others. The federal lawsuit was based on the same factual allegations as the unfair practice charge and, in part, similar legal issues.

12. On March 25, 2025, PERC declined to issue a complaint based on Leary's unfair labor practice charge and dismissed the charge.

¹ On August 7, 2023, Leary filed an Amended Charge. On August 16, 2023, Leary filed a Second Amended Charge.

13. On April 17, 2025, Leary voluntarily ended his federal lawsuit as to Local 77, Lancaster, and Theriault.

14. On July 17, 2025, Local 77, Lancaster, and Theriault filed a motion for attorney's fees with the district court, alleging that the Union had accrued nearly \$50,000 in attorney's fees in defending against the federal lawsuit.

15. On September 4, 2025, the district court issued an order that denied Local 77's motion for attorney's fees, dismissed a federal claim that Leary had asserted against the Township in the federal lawsuit, and dismissed without prejudice all of the remaining claims in the lawsuit, which were state law claims, for lack of jurisdiction.

16. On September 29, 2025, Leary re-filed his state law claims against the Township, this time in the New Jersey Superior Court. That action is ongoing.

Leary's Suspension from Local 77

17. On July 24, 2025, one week after it filed its motion for attorney's fees, Local 77 sent Leary, via letter, a formal notice of disciplinary review. The letter, which Lancaster signed, stated that Leary's decision to file his PERC charge and federal lawsuit violated Local 77's Bylaws² and that, as a consequence, the Union was invoking its disciplinary procedures against him. *See* Formal Notice of Disciplinary Review, attached as Exhibit 1.

18. Local 77's letter threatened that, due to his litigation conduct, Leary could face a suspension of union privileges or expulsion.

19. On August 4, 2025, Local 77's State Delegate, Michael Palmentieri, reiterated that Local 77 brought disciplinary charges against Leary because he filed his PERC charge and federal

² Local 77 charged Leary with violating Article XXIX, Section E of the Bylaws, which is entitled "Oath for New Members" and states that a member "will not . . . injure a fellow member of this Association."

lawsuit against the Union. *See* Palmentieri’s August 4, 2025 Email to Christopher Leary, attached as Exhibit 2.

20. On November 19, 2025, at Local 77’s monthly membership meeting, the Local Judiciary Committee recommended that Leary receive a six-month suspension of his Union membership. The general membership, by a voice vote, voted to approve the suspension.

21. During that meeting, Theriault stated, “I just want to add that due to brother Leary’s arrogance it cost the union over \$50,000 in attorney’s fees.”

22. The next day, Local 77 sent Leary a letter, signed by Lancaster, informing him that the Union was suspending his membership for six months and that, as a result, he would lose all benefits of that membership, such as eligibility to attend union meetings and vote on union matters. *See* Leary Suspension Letter, attached as Exhibit 3.

23. On November 21, 2025, Leary sent a letter to the State PBA, appealing his suspension and requesting a stay of the suspension.

24. On December 8, 2025, the State PBA Judiciary Committee granted Leary’s request for a stay of his suspension during the pendency of his appeal.

25. On January 5, 2026, the State PBA Judiciary Committee held a hearing to consider Leary’s appeal. At that hearing, the State PBA decided to hold Leary’s appeal in abeyance while his state court lawsuit proceeds.

CLAIM FOR RELIEF
Violation of N.J.S.A. 34:13A-5.4(b)(1)
Retaliatory Interference with Exercise of Rights

26. Leary incorporates the preceding paragraphs as though fully set forth herein.

27. Pursuant to Section 5.4(b) of the New Jersey Employer-Employee Relations Act (“NJEERA”), employee organizations are prohibited from “[i]nterfering with, restraining or

coercing employees in the exercise of the rights guaranteed to them by this act.” N.J.S.A. 34:13A-5.4(b)(1).

28. On July 28, 2023, Leary, in an exercise of his statutory rights, filed with PERC an unfair labor practice charge against Local 77. In the charge, he asserted that Local 77 breached its duty of fair representation with respect to the handling of his grievance.

29. On July 24, 2025, Local 77 sent Leary a formal notice of disciplinary review, based on his actions in filing and prosecuting the unfair labor practice charge and federal lawsuit against the Union.

30. In November 2025, Local 77 suspended Leary’s Union membership for six months, for that same reason.

31. As Local 77 expressly stated, it took these actions against Leary because he filed and prosecuted a PERC charge and a federal lawsuit against it.

32. As such, Local 77’s actions have interfered with Leary’s protected right to file and litigate an unfair practice charge against his union.

33. Although the ways in which a union disciplines its members, as a general matter, may be considered internal union affairs, PERC has jurisdiction to review them when, as here, they are connected to unfair labor practices. In other words, “the Commission will not intercede in intra-union disputes *unless* they are connected to allegations that an unfair practice has been committed.” *PBA, Loc. 334 (Mendoza)*, P.E.R.C. No. 2025-3, 51 NJPER 105 (¶25 2024) (emphasis added); *see also N.J. State PBA & PBA Loc. 199 (Rinaldo)*, P.E.R.C. No. 2011-83, 38 NJPER 56 (¶8 2011).

34. PERC has concluded that a union violates Section 5.4(b) when it interferes with a member’s union membership rights—by, for example, sending him a letter indicating that disciplinary charges were being brought against him—because he filed a labor charge against it. *See PBA Loc. 152 (Smith)*, P.E.R.C. No. 99-18, 24 NJPER 208 (¶29 1998).

35. As such, Local 77's actions have interfered with Leary's protected right to file an unfair labor practice charge against his union.

REQUESTED RELIEF

- a) Order Local 77 to acknowledge, in writing, that Leary is a Union member in good standing;
- b) Order Local 77 to rescind the suspension of Leary's Union membership;
- c) Order Local 77 to inform the State PBA that it rescinded the suspension of Leary's Union membership;
- d) Order Local 77 to cease and desist from retaliating against Leary or any of its other bargaining unit members for exercising their rights under the NJEERA;
- e) Order Local 77 to post a notice in each Township building that informs bargaining unit members that it violated the NJEERA by retaliating against Leary for exercising his rights under that statute;
- f) Any other relief that PERC deems appropriate.

Respectfully submitted,



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Counsel for Charging Party

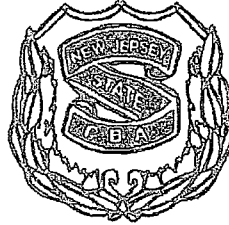
Dated: January 22, 2026

EXHIBIT 1

NEW JERSEY STATE
POLICEMEN'S BENEVOLENT ASSOCIATION
MAINLAND LOCAL #77

"Protecting Those Who Protect Others Since 1931"

ABSECON CITY
ATL. CO. PROSECUTORS
EGG HARBOR CITY
EGG HARBOR TOWNSHIP
GALLOWAY TOWNSHIP
HAMILTON TOWNSHIP



HAMMONTON CITY
LINWOOD CITY
MULLICA TOWNSHIP
NORTHFIELD CITY
PLEASANTVILLE CITY
SOMERS POINT CITY

Christopher Leary
4 Knight Court
Egg Harbor Twp, NJ 08234

July 24, 2025
Sent by Certified Mail

Dear Christopher Leary,

Subject: Formal Notice of Disciplinary Review – Conduct Violation

This letter serves as formal notice regarding an incident involving your conduct as a member of Mainland PBA, Local #77. It has come to our attention that on **July 28, 2023, you filed a ULP claim with PERC against Mainland PBA, Local #77 and PBA President Jeff Lancaster. Also, on July 30, 2023, you filed suit in Federal Court against Mainland PBA, Local 77 and PBA President Jeff Lancaster for the same accusations.** This behavior resulted in harm, not only to a fellow union member but your own union as a whole. Following a preliminary review, this action is considered a violation of the Union's Bylaws, specifically **Article XXIX, Section E: "Oath for New Members."**

Our Union is firmly committed to fostering a respectful, safe, and collaborative environment for all members. Your decision to file suit against the Union and Union President is deemed unacceptable and stands in direct contradiction to the values and responsibilities upheld by this organization.

In accordance with the Union's disciplinary procedures, this matter is being referred to the **Judiciary Review Board** for further investigation. If you choose, you will be given the opportunity to present your account of the incident during this process.

We strongly encourage you to review the Union Bylaws as potential disciplinary outcomes may include, but are not limited to, **suspension of union privileges or expulsion**, depending on the findings and the severity of the offense.

If you have any questions or wish to submit a written response prior to the hearing, you may contact **State Delegate Michael Palmentieri** at (609) 513-0918 or via email at michaelpalmentieri@yahoo.com.

Sincerely,

Jeff Lancaster
President
Mainland PBA, Local #77

EXHIBIT 2

Chris, I just got home from vacation.

There was not a review. President Lancaster thought your conduct has done harm to the union and himself personally. He then send it to the Judiciary Committee for review in accordance with the bylaws. You will have a hearing about the conduct on August 20th. After this review the committee will determine if there was a violation and if so what the punishment will be.

Michael Palmentieri
PBA State Delegate
Mainland Local #77

On Aug 8, 2025, at 9:19 AM, Chris <ssmmnl@aol.com> wrote:

Mike,

Can you please tell me who was the individual(s) or committee that conducted the preliminary review described in the July 24, 2025 correspondence.

Thanks

On Monday, August 4, 2025 at 12:46:19 PM EDT, Michael Palmentieri <michaelpalmentieri@yahoo.com> wrote:

Chris, we have scheduled you for a hearing on Wednesday, August 20th, 6:30pm at the Mainland PBA hall on Washington Ave. The Judiciary members are chosen by the President of the local per the by-laws and will consist of two E-board members, Gary Thoresen and Eugene Soracco and two non E-board members, Da"zhon Bethea and Sajan Patel and myself as the Chair-person.

As stated in the letter you are being charged with a violation of Article XXIX. section E: "Oath of New Members" by filing a law suit against the Local Association and its president with PERC and with Federal Court.

The oath for new members: I, _____, do solemnly swear (or affirm) that I will abide by the Constitution and Bylaws of this Association --- and all orders issued by the Executive Board; --- that I will not reveal any business transacted by this Association to anyone - 85 - who is not an active member; --- that I will carry out all the duties of my office --- to the best of my ability --- and also perform my duties --- in the best interests of this Association --- and its members, and I do further promise --- and declare that I will not, --- by word, deed, sign or token,--- injure a fellow member of this Association, so help me, my Ever living God,--- and may He help me to keep this, my solemn oath.

Respectfully,

Michael Palmentieri
Mainland PBA #77
State Delegate

On Friday, August 1, 2025 at 03:04:39 PM EDT, Chris <ssmmnl@aol.com> wrote:

Hi Mike,

I'm following up on my email from July 30th regarding the disciplinary charges recently sent to me. As of now, I've received no response.

EXHIBIT 3

NEW JERSEY STATE
POLICEMEN'S BENEVOLENT ASSOCIATION
MAINLAND LOCAL #77

"Protecting Those Who Protect Others Since 1931"

ABSECON CITY
ATL. CO. PROSECUTORS
EGG HARBOR CITY
EGG HARBOR TOWNSHIP
GALLOWAY TOWNSHIP
HAMILTON TOWNSHIP



HAMMONTON CITY
LINWOOD CITY
MULLICA TOWNSHIP
NORTHFIELD CITY
PLEASANTVILLE CITY
SOMERS POINT CITY

Brother Leary,

November 20, 2025

Please be advised that the disciplinary hearing has concluded that your conduct warrants a suspension from the Policemen's Benevolent Association Mainland Local 77 for a period of six (6) months.

During this suspension, the collection of your union dues will be discontinued. You will also be removed from all membership benefits, including but not limited to:

Death benefit coverage

- Legal protection plan
- Eligibility to attend union meetings
- Voting rights on union matters
- Possession or use of any materials identifying you as a PBA member

You are required to return all PBA-issued items in your possession, including car shields, identification cards, and courtesy cards.

Additionally, you are prohibited from attending any PBA events, including the mini convention, during the period of your suspension. You will not be eligible to receive PBA courtesy cards for the year 2026.

At the conclusion of your six-month suspension, you may petition the membership body for reinstatement.

President, Jeff Lancaster

A handwritten signature in black ink, appearing to read "Jeff Lancaster", written in a cursive style.

Mainland PBA, Local #77

PROOF OF SERVICE

The undersigned hereby certifies that on this date a copy of the foregoing unfair labor practice charge was served on Respondent as follows:

Via email:

Jeffrey Lancaster, President
New Jersey State Policemen's Benevolent Association, Mainland Local #77
6712 Washington Avenue, Suite 104
Egg Harbor Township, New Jersey 08234
president-mainlandpba77@comcast.net

Dated: January 22, 2026



Noah R. Port
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Harrisburg, Pennsylvania 17101
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Fax: 717.307.3424

Counsel for Charging Party