

D.U.P. NO. 92-30

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF UNFAIR PRACTICES

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-92-48

IBT LOCAL 97,

Charging Party.

SYNOPSIS

The Director of Unfair Practices refuses to issue a Complaint in a charge alleging the employer refused to adopt certain rules, fired one unit member and threatened two other unit members, where none of the events supporting the allegations occurred within the six month statute of limitations of the New Jersey Public Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The Director dismissed the charge finding that it was untimely as to all of the allegations.

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF UNFAIR PRACTICES

In the Matter of

UNIVERSITY OF MEDICINE AND
DENTISTRY OF NEW JERSEY,

Respondent,

-and-

Docket No. CO-92-48

IBT LOCAL 97,

Charging Party.

Appearances:

For the Respondent
Robert J. DelTufo, Attorney General
(Barbara A. Harned, Deputy Attorney General)

For the Charging Party
Patrick Nardolilli, Business Representative

REFUSAL TO ISSUE COMPLAINT

On August 14 and 22, 1991, Teamsters Local 97 filed an unfair practice charge with the Public Employment Relations Commission against the University of Medicine and Dentistry. The charge alleges that the University violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"), specifically subsections 5.4(a)(3) and (5).^{1/}

^{1/} These subsections prohibit public employers, their representatives or agents from: "(3) Discriminating in regard to hire or tenure of employment or any term or condition of

The Teamsters allege that the University refused to adopt a new set of rules applying to E.M.T. employees, fired Dennis Terrell on May 8, 1988, and threatened Patricia Bowers on July 26, 1990 and Frank Karsar and John Zaranka on December 31, 1990. The Teamsters contend that the rules should be negotiated and that the firing and threats would be avoided if the rules were adopted.

The Act requires that unfair practice charges be filed within six months after the alleged unfair practice occurred unless the Charging Party was prevented from filing the charge. N.J.S.A. 34:13A-5.4(c).

Here, the first alleged violation occurred on May 8, 1988, four years before the charge was filed, and the last alleged violation occurred over eight months before the charge was filed.

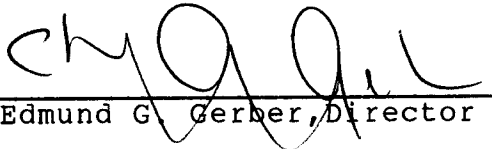
Nothing in the charge suggests that the Teamsters were ever prevented from filing a charge. Accordingly, the charge is untimely filed.

1/ Footnote Continued From Previous Page

employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act; and, (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative."

Therefore, the Commission's complaint issuance standard has not been met and I decline to issue a complaint on the allegations of this charge.^{2/} The charge is dismissed in its entirety.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES



Edmund G. Gerber, Director

DATED: June 30, 1992
Trenton, New Jersey