

D.U.P. NO. 92-11

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

In the Matter of

ASBURY PARK BOARD OF EDUCATION
and ASBURY PARK ADMINISTRATORS AND
SUPERVISORS ASSOCIATION,

Respondents,

-and-

Docket No. CI-91-81

STACEY H. MICHAELIDES,

Charging Party.

SYNOPSIS

The Director of Unfair Practices dismisses an unfair practice charge alleging that the Asbury Park Administrators and Supervisors Association and the Asbury Park Board of Education violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act") by discharging the charging party, discriminating against the charging party in negotiating a salary and by the alleged improper constitution of the Association's negotiating team. The Director finds that all of the operative events underlying the charge occurred outside of the Act's six-month statute of limitations. Accordingly, the Director determines that the charge was untimely filed.

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Appearances:

For the Respondent Board of Education
McOmer & McOmer, attorneys
(J. Peter Sokol, of counsel)

For the Respondent Association
N.J. Principals & Supervisors Association
(Wayne J. Oppito, attorney)

For the Charging Party
D. Gayle Loftis, attorney

REFUSAL TO ISSUE COMPLAINT

I have reviewed the allegation of the unfair practice charge filed on behalf of Stacey Michaelides (Michaels) against the Asbury Park Board of Education and Administrators and Supervisors Association. The charge, filed on June 20, 1991, has three basic allegations: Michaelides discharge was motivated by anti-union animus, the union negotiating team was improperly constituted and the salary negotiated for Michaelides was discriminatory.

N.J.S.A. 34:13A-5.4(c) precludes the Commission from issuing a Complaint where an unfair practice charge has not been filed within six (6) months of the occurrence of any unfair practice, unless the aggrieved person was prevented from filing the charge. See In re North Warren Bd. of Ed., D.U.P. No. 78-7, 4 NJPER 55 (14026 1977).

All events alleged by Michaelides occurred by August 16, 1990, more than six months prior to the filing of the charge, and, the charge does not show how Michaelides was prevented from filing the charge in a timely way.

Based upon the foregoing, I find that the Commission's complaint issuance standard has not been met and decline to issue a complaint on the allegations of this charge.

BY ORDER OF THE DIRECTOR
OF UNFAIR PRACTICES


Edmund G. Gerber, Director

DATED: March 20, 1992
Trenton, New Jersey