

STATE OF NEW JERSEY
BEFORE A HEARING EXAMINER OF THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matters of

CITY OF BORDENTOWN,

Respondent,

-and-

Docket No. CI-82-30-68

JEFFREY A. BUCHANAN,

Charging Party.

CITY OF BORDENTOWN,

Respondent,

-and-

Docket No. CO-82-167-69

ASSOCIATION OF POLICE OFFICERS
OF THE CITY OF BORDENTOWN,

Charging Party.

Appearances:

For the Respondent

Davis & Reberkenny, Esqs.
(Edward A. Kondracki, Esq.)

For the Charging Party Jeffrey A. Buchanan

Paul W. Rosenberg, Esq.

HEARING EXAMINER'S DECISION ON MOTION

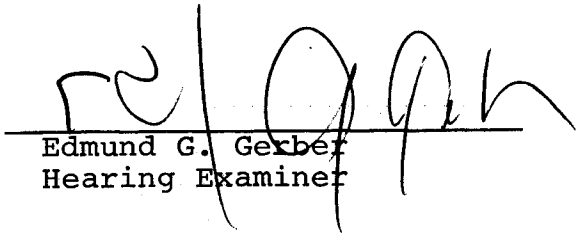
On January 7, 1982, Jeffrey A. Buchanan filed an unfair practice charge with the Public Employment Relations Commission alleging that he filed a petition for recognition with PERC for an Association of Police Officers of the City of Bordentown. Buchanan alleges that the city engaged in a series of coercive incidents commencing in May 1980 and on December 10, 1981, he was terminated by the city of Bordentown for his exercise of rights protected under the Public Employer-Employee Relations Act.

A Complaint and Notice of Hearing in this matter was issued by the Commission on January 25, 1982.

On March 22, 1982, the attorney for the city of Bordentown filed a Motion to Dismiss the Complaint on the grounds that "all material allegations within said complaint occurred prior to July 7, 1981, and are barred by the statute of limitations as provided in N.J.S.A. 34:13A-5.4(c)."

The motion in this matter is denied. Mr. Buchanan was discharged on December 10, 1981, and he filed the charge on January 11, 1982, one month after his discharge. It cannot seriously be disputed that Mr. Buchanan's loss of employment is the operative event in this matter and the charge is timely filed. The Charging Party has the right to rely on events which occurred outside the six-month period in order to prove unlawful motivation for the discharge.

In its brief the City makes reference to an action before the Civil Service Commission where Mr. Buchanan argued that his notice of termination violated certain Civil Service rules and procedures. It goes without saying that whether or not the city's actions complied with Civil Service rules and regulations is for Civil Service to decide and the decision of Civil Service in this matter will not be reviewed by the undersigned.


Edmund G. Gerber
Hearing Examiner

DATED: March 23, 1982
Trenton, New Jersey