

P.E.R.C. NO. 98-142

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ORANGE EDUCATION ASSOCIATION,

Petitioner,

-and-

Docket No. TO-98-03

ORANGE TOWNSHIP BOARD OF EDUCATION,

Respondent.

SYNOPSIS

The Public Employment Relations Commission dismisses a petition for contested transfer determination filed by the Orange Education Association. The petition alleges that on March 12, 1997, Dorothy Ford was notified by the Orange Board of Education that she was being transferred between worksites, allegedly for disciplinary reasons in violation of N.J.S.A. 34:13A-25. The Commission finds the petition to be untimely since it was filed more than 90 days from the date of the notice of transfer. N.J.A.C. 19:18-2.3.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Petitioner, Balk, Oxfeld, Mandell & Cohen,
attorneys (Sanford R. Oxfeld, of counsel)

For the Respondent, Schwartz, Simon, Edelstein, Celso &
Kessler, attorneys (Marc H. Zitomer, of counsel)

DECISION

On September 9, 1997, the Orange Education Association filed a petition for contested transfer determination. The petition alleges that on March 12, 1997, Dorothy Ford was notified by the Orange Township Board of Education that she was being transferred between worksites, allegedly for disciplinary reasons in violation of N.J.S.A. 34:13A-25.

On September 30, 1997, the Board filed an Answer asserting, among other things, that the petition is untimely.

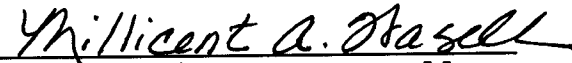
N.J.A.C. 19:18-2.3 requires that a petition be filed no later than the 90th day from the date of receipt of a notice of

transfer. The petition states that Ford was notified of the transfer on March 12, 1997, more than 90 days before the date the petition was filed. Accordingly, the petition is untimely and must be dismissed.

ORDER

The petition is dismissed.

BY ORDER OF THE COMMISSION


Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. Commissioner Boose abstained from consideration.

DATED: May 27, 1998
Trenton, New Jersey
ISSUED: May 28, 1998