

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

PASSAIC COUNTY VOCATIONAL AND
TECHNICAL SCHOOL BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-97-32

RUFUS McCOMBS,

Charging Party,

NEW JERSEY EDUCATION ASSOCIATION,

Respondent,

-and-

Docket No. CI-97-33

RUFUS McCOMBS,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission sustains a refusal to issue Complaints on unfair practice charges and amended charges filed by Rufus McCombs against the Passaic County Vocational and Technical Board of Education and the New Jersey Education Association. The charges allege that the Board and the NJEA violated the New Jersey Employer-Employee Relations Act by airing disciplinary problems at an April 1995 public Board meeting, thereby waiving the rights of custodians to confidentiality. The Commission finds the charges to have been untimely filed and that, even granting the charging party every reasonable inference, it cannot find that he was prevented from filing a charge for more than a year.

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.

P.E.R.C. NO. 97-130

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Appearances:

For the Charging Party, Rufus McCombs, pro se

DECISION AND ORDER

On November 14 and December 18, 1996, Rufus McCombs filed unfair practice charges and amended charges against the Passaic County Vocational and Technical School Board of Education and the New Jersey Education Association. The charges, as amended, allege that the respondents violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by airing disciplinary problems at an April 1995 public Board meeting, thereby waiving the rights of custodians to confidentiality.

On December 23, 1996, the Director of Unfair Practices dismissed the charges as untimely filed. N.J.S.A. 34:13A-5.4(c) provides that no Complaint shall issue based upon any unfair practice occurring more than six months before the filing of the charge unless the person aggrieved was prevented from filing such charge in which event the six-month period shall be computed from the day he or she was no longer so prevented.

On December 31, 1996, the charging party appealed. He asserts that fear of disciplinary action coupled with the NJEA's refusal to file grievances played a large part in his filing these charges late. He further asserts that the respondents intentionally denied him access to valuable information causing valuable time to pass and making it impossible to file on time.

Granting the charging party every reasonable inference, we cannot find that he was prevented from filing a charge for more than a year. Accordingly, we sustain the Director's decision refusing to issue a Complaint.

ORDER

The refusal to issue a Complaint is sustained.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, Finn, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioner Boose abstained from consideration. Commissioner Klagholz was not present.

DATED: May 29, 1997
Trenton, New Jersey
ISSUED: May 30, 1997