

P.E.R.C. NO. 2005-46

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY,

Respondent,

-and-

Docket No. CO-1989-301

UTILITY WORKERS UNION OF AMERICA,
AFL-CIO, LOCAL 534,

Charging Party.

SYNOPSIS

The Commission denies George Warholak's motion to reopen an unfair practice charge matter to consider newly discovered evidence. The unfair practice charge was filed by the Utility Workers Union of America, AFL-CIO, Local 534 against the Northwest Bergen County Utilities Authority and was dismissed in October 1992. P.E.R.C. No. 93-29, 18 NJPER 493 (¶23226 1992). The charge involved allegations that Warholak was demoted because he engaged in activity protected by the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The Commission finds no basis to reopen the case and notes that Warholak was not the charging party.

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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Charging Party.

Appearances:

George Warholak, pro se

DECISION

On December 29, 2004, George Warholak filed a motion to reopen this matter so that we could consider newly discovered evidence. This evidence was allegedly discovered in October 2003 and allegedly relates to an unfair practice charge that was filed by the Utility Workers Union of America, AFL-CIO, Local 534 against the Northwest Bergen County Utilities Authority and that was dismissed in October 1992. P.E.R.C. No. 93-29, 18 NJPER 493 (¶23226 1992). The charge involved allegations that Warholak was demoted because he engaged in activity protected by the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

There is no basis to reopen a case based on "newly discovered evidence" that was discovered well over a year ago and

that seeks to reopen a case decided over ten years ago. Cf. R.
4:50-1 (court rule requiring that newly discovered evidence must
be presented within a reasonable time and not more than one year
after the original order). In addition, we note that Warholak
was not the charging party.

ORDER

The motion to reopen this matter is denied.

BY ORDER OF THE COMMISSION

A handwritten signature in black ink, appearing to read 'L Henderson', is written over a horizontal line.

Lawrence Henderson
Chairman

Chairman Henderson, Commissioners Buchanan, Fuller, Mastriani and
Watkins voted in favor of this decision. Commissioners DiNardo
and Katz were not present. None opposed.

DATED: January 27, 2005
Trenton, New Jersey
ISSUED: January 27, 2005