

P.E.R.C. NO. 96-73

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

GLEN RIDGE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-93-91

KENNETH T. TUCKER JR.,

Charging Party.

SYNOPSIS

On August 20, 1993, Kenneth T. Tucker, Jr. withdrew an unfair practice charge (CI-93-91) filed against the Glen Ridge Board of Education. On January 3, 1996, the Director of Unfair Practices refused Tucker's request that the charge be reopened or the statute of limitations be extended so that he could file again. Tucker requested review of the Director's decision. The Commission finds no basis to disturb the Director's decision not to reopen a charge withdrawn over two years ago. In addition, information known to Tucker in March, 1994 cannot be the basis for tolling the statute of limitations until January 1996.

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 Respondent, Sills Cummis Zuckerman Radin Tischman
Epstein & Gross (Derlys Maria Gutierrez, of counsel)

For the Charging Party, Kenneth T. Tucker Jr., pro se

DECISION AND ORDER

On August 20, 1993, Kenneth T. Tucker Jr. withdrew an unfair practice charge (CI-93-91) he had filed against the Glen Ridge Board of Education. On January 2, 1996, Tucker requested that the charge be reopened or the statute of limitations be extended so that he could file again. On January 3, 1996, the Director of Unfair Practices refused that request. The charging party now requests review of that refusal.^{1/}

The charging party contends that the charge should be considered in the context of another charge (CI-93-89) that he had filed against the New Jersey Education Association and the Glen Ridge Personnel Association. However, that charge was also withdrawn and that case closed on October 8, 1993.

^{1/} We will not consider the Board's untimely response to the request.

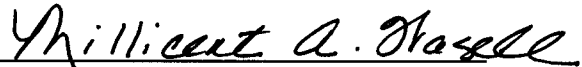
The charging party also contends that changed circumstances warrant reopening his charge. The charging party was terminated after the filing of the charge and he allegedly became aware in March 1994 that two union members conspired with the employer to falsify information about him. However, the charging party asked the Director to reopen this charge in December 1995, long after he was terminated and allegedly became aware of the new information.

We have no basis to disturb the Director's decision not to reopen a charge withdrawn over two years ago. In addition, information known to Tucker in March 1994 cannot be the basis for tolling the statute of limitations until January 1996.

ORDER

The request for review is denied.

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Acting Chair

Acting Chair Wasell, Commissioners Buchanan, Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioner Boose abstained from consideration.

DATED: May 23, 1996
Trenton, New Jersey
ISSUED: May 24, 1996