H.E. NO. 2012-5

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

In the Matter of

STATE OF NEW JERSEY,
DEPARTMENT OF CORRECTIONS,

Respondent,

-and- Docket No. CO-2010-124

PBA LOCAL 105 and
STACY GRANT,

Charging Party.

SYNOPSIS

A Hearing Examiner of the Public Employment Relations Commission finds in accordance with the unique set of factors present in this case, that the State of New Jersey, Department of Corrections has violated 5.4a(1) of the New Jersey Employer-Employee Relations Act, when it violated Senior Correction Officer Stacy Grant's Weingarten rights and imposed a disciplinary action. Since Grant's discipline was a direct consequence of the Weingarten violation, the Hearing Examiner recommended that the Commission order the rescission of the disciplinary action and penalty imposed pursuant to that discipline.

A Hearing Examiner's Report and Recommended Decision is not a final administrative determination of the Public Employment Relations Commission. The case is transferred to the Commission, which reviews the Report and Recommended Decision, any exceptions thereto filed by the parties, and the record, and issues a decision that may adopt, reject or modify the Hearing Examiner's findings of fact and/or conclusions of law. If no exceptions are filed, the recommended decision shall become a final decision unless the Chair or such other Commission designee notifies the parties within 45 days after receipt of the recommended decision that the Commission will consider the matter further.

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CHARGING PARTY.

Appearances:

For the Respondent
Paula T. Dow, Attorney General
(Julie D. Barnes, Deputy Attorney General)

For the Charging Party
Zazzali, Fagella, Nowak, Kleinbaum & Friedman, attys.
(Robert A. Fagella, of counsel)

HEARING EXAMINER'S REPORT
AND RECOMMENDED DECISION

On October 13, 2009, PBA Local 105 (PBA or Association) and Senior Correction Officer Stacy Grant (Grant) filed an unfair practice charge (C-3)[1/] with the Public Employment Relations Commission (Commission) against the State of New Jersey, Department of Corrections (State or Department). The PBA alleges

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1/ Exhibits received in evidence marked as "C" refer to Commission exhibits, those marked "CP" refer to the Charging Party's exhibits, and those marked "R" refer to the Respondent's exhibits. Transcript citations "1T1" refers to the transcript produced on April 5, 2011 at page 1.

that the State violated 5.4a(1) and (3)[2/] of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (Act), when it refused to allow Grant the opportunity to speak with or be represented by a PBA representative prior to writing a report required by a superior officer.

On August 12, 2010, the Director of Unfair Practices issued a Complaint and Notice of Hearing (C-1). On August 26, 2010, the State filed its answer (C-2) generally denying that its actions violated the Act. On April 5, 2011, a hearing was conducted at the Commission's offices in Trenton, New Jersey. The parties were afforded the opportunity to examine and cross-examine witnesses, present relevant evidence and argue orally. At the conclusion of the hearing the parties waived oral argument and established a briefing schedule. Briefs were simultaneously filed on June 10, 2011.

2/ These provisions prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act; (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act."

Upon the entire record, I make the following:

FINDINGS OF FACT

1. The parties stipulated that the State of New Jersey is a public employer, the PBA is a public employee representative and Senior Correction Officer Stacy Grant is a public employee within the meaning of the Act (1T7).

2. On May 24, 2009, Grant worked as a general assignment officer at the Northern Regional Unit in Kearny, New Jersey. The Northern Regional Unit is a satellite facility of the Adult Diagnostic and Training Center in the Department of Corrections. As a general assignment officer, Grant relieved other officers for breaks, oversaw yard movements of inmates, and otherwise performed whatever assignment given to him by a supervisor (1T15).

3. Upon Grant's arrival for the start of his shift at the Northern Regional Unit on May 24, 2009, Grant noticed Lieutenant Michael Morris and Investigator Randy Valentin in the Central Control Unit reviewing video recordings made by security cameras on May 23, 2009. Morris was the lieutenant assigned to the Northern Regional Unit and supervised Grant. Grant knew that Valentin was an internal affairs investigator; however, he did not know him personally (1T17). Grant observed Morris and Valentin reviewing the video recordings of the yard where inmates are allowed to spend time (1T17-1T18). Grant never inquired into

the reason Morris and Valentin were reviewing the May 23 yard recordings (1T18).

4. Valentin contacted Morris and told him that he wanted to look at the May 23 video recordings (1T62-1T63). Morris did not know that Valentin would be at the Northern Regional Unit on May 24 when he (Morris) arrived for work that morning (1T61). Morris was never told the purpose of Valentin's review of the May 23 video recordings (1T63). Morris decided to watch the video tapes along with Valentin. Morris noticed two officers in the yard with the inmates between 11 and 11:15 a.m. (1T63). Except for unusual situations, it was improper for staff and inmates to be in the yard at the same time (1T63). Valentin never told Morris that he had any interest in the fact that staff and inmates were in the yard together (1T64). Valentin never disclosed to Morris the reason he was viewing the recordings. Morris noticed that Grant was one of the officers in the yard (1T64). After Valentin had finished reviewing the recordings, Morris contacted Grant and directed him to report to the supervisor's office where Morris was stationed (1T51).

5. Morris considered the fact that two officers were in the yard with inmates to constitute an "unusual incident" (1T50). The occurrence of an "unusual incident" generally results in the production of an incident report. Morris looked in the place where incident reports were maintained, but found that no

incident report had been filed relating to officers and inmates being in the yard at the same time on May 23 (1T50). It is incumbent upon any officer to write an incident report should s/he learn of an "unusual incident" (R-2).

6. Grant reported to the supervisor's office as directed (1T19). Morris was located at his desk and Valentin was seated at another desk, using the telephone (1T19-1T20). Valentin concluded his telephone conversation as Morris began to speak to Grant but never said anything during the time Grant was in the office (1T20). Morris asked Grant to write a report concerning his actions between 11:00 a.m. and 11:15 a.m. on May 23, 2009 (R-2; 1T19). Grant asked Morris if he was under investigation (1T20). Morris' only response was to again direct Grant to write a report (1T21). Grant told Morris that he felt as if he were a target of an investigation and wanted to talk to his union representative (1T20). Grant believed that he was a target of an investigation because it was unusual to be asked to write a report for an incident occurring the prior day, and given the presence of an internal affairs investigator (1T22). Incident reports were customarily written on the same day as the occurrence of the "unusual incident" (1T22, 1T31).

7. Morris reiterated his directive to Grant to write a report several times. Morris told Grant that he was not entitled to a union representative (1T22, 1T68-1T69). Morris believed

that only those employees who were the targets of an investigation were entitled to union representatives and he did not perceive his directive requiring Grant to write a report as constituting an investigation (1T55, 1T59, 1T69-1T70).

8. Grant left the supervisor's office and went to the lobby in order to contact a union representative. Grant told Morris that he would write the report after speaking with a union representative (1T22, 1T51-1T52). It took Grant between 15 and 20 minutes to write the report (1T23, 1T38). The report stated:

> This officer was ordered to write this report by lieutenant Morris. Lieutenant Morris asked this officer what did I do between 11:00 and 11:15 a.m. on May 23, 2009. This officer was doing his G.A. #3 duties. End of report. [R-1]

Grant submitted the report to Morris approximately 55 minutes after Morris' initial directive to write a report (1T76).

9. Morris never learned of the reason why Internal Affairs Investigator Valentin wanted to look at the video recordings from May 23, 2009. But for the happenstance that Valentin asked to view the video recording of May 23, and Morris decided to watch it, Morris' directive to Grant to write a report was wholly unrelated to Valentin's purposes and was solely based on what Morris observed as he watched the recording (1T64-1T65). Morris never disclosed to Grant the reason why he asked Grant to write the report (1T66-1T67). Morris knew that Grant could be in violation of certain rules and regulations which could subject

Grant to disciplinary action (1T66, 1T72). Morris knew at the time he asked Grant to write the report that custody staff were not supposed to be in the yard at the same time as the inmates, however, also knew that there were situations where officers could legitimately be in the yard with inmates (1T81-1T82).

10. Morris denied Grant's repeated requests for a union representative based on Morris' determination that Grant was not a target of an investigation at the time that he asked Grant to write the report and, consequently, in Morris' view, Grant's Weingarten rights had not attached. The Department of Corrections, Human resources Bulletin 84-27, sets forth the Department's policy on Weingarten rights (CP-8). The policy, in relevant part, provides the following:

> 1. If the individual conducting the investigation knows, or has reason to believe that discipline may result from an interview with an employee, the employee must be advised. The employee must also be advised of the right to have union representation during such interviews. The employee may forego the guaranteed right and if preferred, participate in an interview unaccompanied by union representation. If the employee elects to participate without union representation the individual conducting the investigation must have the employee sign a "Weingarten Administrative Rights" waiver form. . . .
>
> 2. The employee's right to request representation as a condition of participation in an interview is limited to situations where the employee reasonably believes the investigation will result in disciplinary action. This right does not

> apply to counseling or supervisor/employee conferences.
>
> 3. There is no right to have a union representative present during an interview when an employee is a "witness only." It should be noted, however, should the individual conducting the investigation become aware that the employee may be subject to disciplinary action as a result of the information provided, the interview must be stopped and the individual provided with an opportunity to obtain union representation.
>
> 4. Exercise of the right may not interfere with legitimate employer prerogatives. The employer has no obligation to justify its refusal to allow union representation and despite refusal, the employer is free to carry on his investigation without interviewing the employee.
>
> 5. The employer has no duty to negotiate with any union representative who may be permitted to attend the investigatory interview. The union representative is present to assist the employee and may attempt to clarify the facts or make suggestions. The employer is free to insist on only hearing the employee's own account of the matter under investigation.

At no time did either Morris or Valentin ask Grant questions concerning what occurred between 11:00 and 11:15 a.m. on May 23, 2009.

11. On June 2, 2009, Lieutenant Beaver was assigned to investigate the events which occurred on May 24, 2009 involving Morris' order directing Grant to submit a report (1T44-1T45; CP-2). During that investigation, Grant was advised that his Weingarten rights attached and was allowed to have a PBA

representative (1T45). At the conclusion of Beaver's investigation, Grant was disciplined (1T32, 1T79; CP-1, CP-2).

12. On June 18, 2009, Grant was served with a Preliminary Notice of Disciplinary Action (CP-1, CP-2). The specifications on the notice pertained to Morris' multiple directives to Grant to write a report regarding the yard incident and Grant's delay in submitting the report until he first spoke with a PBA representative. The disciplinary penalty sought to be imposed was a 60-day suspension. Grant appealed the 60-day suspension and after a departmental hearing, the penalty was reduced to a 3 day suspension. Effectuation of the 3-day suspension is currently pending (1T36).

13. On July 6, 2009, Grant was given another Preliminary Notice of Disciplinary Action calling for a 180-day suspension (CP-9). Apparently, as the result of the investigation into Grant's presence in the yard with residents as revealed in the May 23, 2009 video recording, it was alleged in the July 6 disciplinary notice that Grant did not secure a door which ultimately allowed a resident to gain access to an area to which the resident was not permitted. It was alleged that Grant failed to report the breach and intentionally made a false statement to investigators. The discovery of the resident in a prohibited area arose out of a separate investigation that was conducted as a consequent of the initial viewing of the video recording but

was unrelated to the delayed report submission. Thus, the July 6 disciplinary action (CP-9) arose from a subsequent, independent investigation which does not fall within the claim asserted in this charge that Grant's Weingarten rights were violated (1T74-1T75).

ANALYSIS

In E. Brunswick Bd. of Ed. and E. Brunswick Ed. Ass'n., P.E.R.C. No. 81-123, 7 NJPER 242 (¶12109 1981), aff'd in pt., rev'd in pt., NJPER Supp.2d 115 (¶97 App. Div. 1982), the Commission held that an employer interfered with the exercise of rights protected by the Act in violation of subsection 5.4a(1) when it denied an employee's request for union representation at an investigatory interview which the employee reasonably believed could result in discipline. The Commission based its holding on two cases: NLRB v. Weingarten, 420 U.S. 251, 88 LRRM 2689 (1975), where the U.S. Supreme Court held that an employee has a right to union representation at any investigatory interview which the employee reasonably believes could lead to discipline of the employee; and Red Bank Reg. Ed. Ass'n v. Red Bank Reg. H.S. Bd. of Ed., 151 N.J. Super. 435 (App. Div. 1977), aff'd 78 N.J. 122 (1978), where the New Jersey Supreme Court held that section 5.3 of the Act guarantees employees the right to have grievances presented by the majority representative. The Commission's adoption of the Weingarten rule was specifically

affirmed by the New Jersey Supreme Court in UMDNJ and CIR, P.E.R.C. No. 93-114, 19 NJPER 342 (¶24155 1993), recon. granted P.E.R.C. No. 94-60, 20 NJPER 45 (¶25014 1994), aff'd 21 NJPER 319 (¶26203 App. Div. 1995), aff'd 144 N.J. 511 (1996).

To establish a violation of an employee's Weingarten rights, Charging Party must demonstrate that: (1) an employee was directed to and did attend an interview/conference conducted by supervisory or managerial employees; (2) the interview/conference was, in fact, investigatory; (3) the employee reasonably believed that adverse consequences/discipline might result from this investigatory interview; (4) before or during the interview, the employee requested the presence of a union representative at the interview; (5) the employer denied the employee's request for a union representative; (6) the employer did not then offer the employee the choice to either stop the interview or continue the interview without a union representative; and (7) the employer continued the interview.

In State of New Jersey (Department of Treasury), P.E.R.C. No. 2001-51, 27 NJPER 167 (¶32056 2001), the Commission traced both the contours of the Weingarten right and the limitations placed on Weingarten representatives. That discussion is worth repeating here:

> Under Weingarten, an employee may demand union representation at an investigatory interview that he or she reasonably fears may result in discipline. An employee cannot be

punished for requesting representation and a union representative cannot be punished for seeking to provide requested representation. See e.g., ILGWU v. Quality Mfg. Co., 420 U.S. 276, 88 LRRM 2698 (1975); Cape May Cty., P.E.R.C. No; 82-2, 7 NJPER 432 (¶12192 1981). Weingarten, however, placed several limits on the right to representation, limits we now review.

First, an employer need not inform an employee of the Weingarten right. The employee must request representation. Absent a request, there will be no violation. Monmouth Cty. Probation Dept., P.E.R.C. No. 91-121, 17 NJPER 348 (¶22157 1991).

Second, the interview must be investigatory and the employee must reasonably believe that discipline may result. The test for ascertaining whether a reasonable belief exists is an objective one, not a subjective one focusing on the employee's or employer's state of mind. Weingarten, 88 LRRM at 2691; Dover Municipal Utilities Auth., P.E.R.C. No. 84-132, 10 NJPER 333 (¶15157 1989); Stony Brook Reg. Sewerage Auth., P.E.R.C. No. 83-138, 9 NJPER 280 (¶14129 1983). The Weingarten right does not attach if a meeting is called solely to announce a disciplinary action. Baton Rouge Water Works Co., 246 NLRB No. 161, 103 LRRM 1056 (1979); UMDNJ at 529; John E. Runnells Hosp., P.E.R.C. No. 85-19, 11 NJPER 147 (¶16064 1985). Nor does it attach to run-of-the-mill, shop-floor conversations -- for example, giving instructions, training employees, or correcting techniques. General Electric Co., 240 NLRB No. 66, 100 LRRM 1248 (1979).

Third, the right to representation may not interfere with legitimate employer prerogatives. One such prerogative is to decide not to interview the employee at all if the employee insists upon representation; the employee must then choose between having an interview unaccompanied by a representative or having no interview. State

of New Jersey (State Police), P.E.R.C. No. 93-20, 18 NJPER 471 (¶23212 1992).

Fourth, the employer has no duty to bargain with a representative attending the interview. The Weingarten Court elaborated:

> The representative is present to assist the employee, and may attempt to clarify the facts or suggest other employees who may have knowledge of them. The employer, however, is free to insist that he is only interested, at that time, in hearing the employee's own account of the matter under investigation. [88 LRRM at 2692].

See also UMDNJ at 535. The Weingarten setting does not place the union representative in equal control of the interview or permit the representative to turn an investigatory interview into an adversarial contest.

An employer cannot condition a union representative's attendance at an interview upon the representative's silence. NLRB v. Texaco, Inc., 659 F.2d 124, 108 LRRM 1097, 1102 (1995), enforced 155 F.3d 785, 159 LRRM 2195 (6th Cir. 1998). A [union representative] may help an employee clarify an account; object to harassing, confusing, or misleading questions; and suggest additional witnesses. One court, however, has held that an employer may insist on hearing an employee's account first, so long as it then allows the representative to make any additions, suggestions, or clarifications. Southwestern Bell Tel. Co. v. NLRB, 667 F.2d 470, 109 LRRM 2602 (5th Cir. 1982).

While a union representative cannot be silenced, management commands the time, place, and manner of the interview. United States Postal Service v. NLRB, 969 F.2d 1064,

140 LRRM 2639 (D.C. Cir. 1992). A representative may not turn an interview into an adversarial confrontation obstructing the employer's right to conduct the interview. Two cases illustrate that limit on Weingarten conduct. The first one is New Jersey Bell Telephone Co., 308 NLRB No. 32, 141 LRRM 1017 (1992), cited by UMDNJ with approval for the proposition that the employer runs the interview and may expel a representative who interferes with the questioning. Id. at 535. See also Hexter, The Developing Law, 73-74 (3d. ed. 1999 Supp.).

In New Jersey Bell, an employee -- Ehlers -- was interviewed during the investigation of the ransacking of a supervisor's office and the rigging of a ladder to fall on that supervisor. A union representative -- Huber -- attended the interview. Ehlers answered one round of questions vaguely and inconclusively. When the questions were repeated, Huber interrupted and Ehlers refused to answer them. Huber was then directed to leave the interview; when he refused, the employer summoned the police to arrest him.

The NLRB held that Huber's representation became unprotected when he advised Ehlers to answer questions only once and prevented management from repeating its questions. Stating that a careful balance must be drawn between an employer's right to interview its employees personally and the union representative's role at such interviews, it drew the balance in the employer's favor. It reasoned that allowing a representative to prevent an employer from repeating questions would turn an investigatory interview into an adversarial forum and interfere with the employer's ability to investigate misconduct. It noted that repeating or rephrasing questions is a common technique, especially given unresponsive answers. By his improper advice and persistent objections and interruptions, Huber forfeited his right to act as Ehlers' representative.

> In Yellow Freight System, 317 NLRB No. 15, 149 LRRM 1327 (1995), an employee was interviewed in a coaching session, part of a pre-progressive discipline system. The Administrative Law Judge found that the steward disrupted the interview by abusive and insulting interruptions; grossly demeaning a supervisor's managerial status in front of an employee and a manager; pounding the desk and shouting obscenities; falsely calling the supervisor a liar; and refusing to leave the office. Concluding that the session was essentially a Weingarten-type interview, the judge held that the steward had impermissibly turned the session into an adversarial confrontation and could be disciplined. The NLRB agreed. See also Mead Corp., 331 NLRB No. 66, 2000 NLRB Lexis 393 (2000); cf. Climax Molybdenum Co. v. NLRB, 584 F.2d 360, 99 LRRM 2471 (10th Cir. 1978) (union policy of advising employees not to cooperate or provide information impermissibly defeats purpose of interview). [State of New Jersey, 27 NJPER at 174-175.]

This case rises and falls on the particular facts present here. Grant was summoned to a meeting with his supervisor, Morris. Morris ordered Grant to write a report detailing what he (Grant) was doing between 11:00 a.m. and 11:15 a.m. the prior day. While this directive was not a typical "interview" involving oral discourse between two individuals, Morris' order was clearly investigatory since he wanted to know about Grant's whereabouts and actions during the specified time period. The fact that Morris told Grant to write a report rather than have Grant sit in front of him and engage in back-and-forth questions and answers concerning Grant's whereabouts and actions during the period of time at issue does not change the character of that

interaction into something other than an "interview" for purpose of a Weingarten analysis.

Furthermore, there is no dispute that Grant requested a union representative. Grant asked for a representative several times and Morris specifically denied Grant's request, advising Grant that he was not entitled to a representative.

Under other circumstances where an employee in the normal course of business is called into a supervisor's office and directed to write a report, Weingarten rights are not likely to attach. Under the particular set of facts present in this case, Grant reasonably believed that adverse consequences or discipline could occur as the result of what he might write in his report, and I have found here that the report is tantamount to an interview. When Grant arrived for work at the Northern Regional Unit on the morning of May 24, he saw his supervisor and an internal affairs investigator looking at a video recording. Not long after Grant saw Morris and Valentin watching the recordings, Grant is called by his supervisor and directed to report to his office. Upon Grant's arrival, Grant sees that the internal affairs investigator is present. Then Morris tells Grant to write a report detailing his actions during a specific period of time the prior day. Grant knew that incident reports are normally written soon after an incident occurs, usually on the same day. Consequently, even though the internal affairs

investigator's presence was completely unrelated to Grant and his actions on May 23, I find that a reasonable person, given these unique circumstances, would objectively conclude that Grant had reason to believe that adverse consequences might occur as the result of the report. The fact that Morris never believed that his directive to Grant to write a report constituted and "investigation" is irrelevant. A supervisor's subjective perception is not one of the Weingarten elements. Morris never offered Grant the option not to write a report (i.e., discontinue the interview) nor did Grant agree to write a report anyway, knowing that he had no union representative. For these reasons, I find that in this case, when Morris ordered Grant to write a report pertaining to Grant's actions on May 23, Grant's Weingarten rights attached at that point and he was entitled to the benefit of a union representative. I find that Grant's Weingarten rights were violated.

Grant was disciplined for insubordination because he refused to immediately write a report about the "unusual incident" which occurred on May 23, 2009, in the yard at the Northern Regional Unit, until he spoke with his union representative. The initial disciplinary penalty was a 60-day suspension without pay which was subsequently reduced to 3 days. The 3-day suspension was held in abeyance pending the outcome of this unfair practice proceeding. Charging Party urges that the appropriate remedy in

this case is to order the rescission of the discipline imposed on Grant and the rescission of the pending suspension. I agree. Grant's Weingarten rights had attached and his discipline was the direct result of his lawful request for a union representative. It is for this reason that a "make whole" remedy is appropriate in this case.

The Charging Party has presented no evidence demonstrating that the State violated N.J.S.A. 34:13A-5.4a(3).

CONCLUSION OF LAW

1. The State of New Jersey, Department of Corrections, violated N.J.S.A. 34:13A-5.4a(1) when it denied Stacy Grant his Weingarten rights.

2. The State of New Jersey, Department of Corrections, did not violate N.J.S.A. 34:13A-5.4a(3).

Based on the foregoing, I recommend the following.

RECOMMENDED ORDER

I recommend that the Commission **ORDER** that the State of New Jersey, Department of Corrections, cease and desist from:

A. Interfering with, restraining or coercing Senior Correction Officer Stacy Grant in his exercise of the rights guaranteed to him by the Act, particularly by denying him his Weingarten rights in violation of N.J.S.A. 34:13A-5.4a(1).

B. That the State of New Jersey, Department of Corrections, take the following affirmative action:

1. Rescind the disciplinary action which was wrongfully imposed upon Grant, reflected in the June 18, 2009 Preliminary Notice of Disciplinary Action, for failing to immediately write a report as directed by his supervisor.

2. Rescind the pending 3-day suspension issued in accordance with the disciplinary action taken against Grant as reflected in the Preliminary Notice of Disciplinary Action dated June 18, 2009.

3. Post in all places where notices to employees are customarily posted copies of the attached notice marked as Appendix "A." Copies of such on forms to be provided by the Commission, will be posted immediately upon receipt thereof and after being signed by the Respondent's authorized representative, will be maintained by it for at lest sixty (60) consecutive days. Reasonable steps will be taken by the Respondent to ensure that such notices are not altered, defaced or covered by other materials; and,

4. Notify the Chair of the Commission within twenty (20) days of receipt what steps the Respondent has taken to comply with this Order.

Stuart Reichman
Hearing Examiner

DATED: December 2, 2011
Trenton, New Jersey

Pursuant to N.J.A.C. 19:14-7.1, this case is deemed transferred to the Commission. Exceptions to this report and recommended decision may be filed with the Commission in accordance with N.J.A.C. 19:14-7.3. If no exceptions are filed, this recommended decision will become a final decision unless the Chairman or such other Commission designee notifies the parties within 45 days after receipt of the recommended decision that the Commission will consider the matter further. N.J.A.C. 19:14-8.1(b).

Any exceptions are due by December 12, 2011.

NOTICE TO EMPLOYEES

PURSUANT TO
AN ORDER OF THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION
AND IN ORDER TO EFFECTUATE THE POLICIES OF THE
NEW JERSEY EMPLOYER-EMPLOYEE RELATIONS ACT,
AS AMENDED,

We hereby notify our employees that:

WE WILL cease and desist from interfering with, restraining or coercing Senior Correction Officer Stacy Grant in his exercise of the rights guaranteed to him by the Act, particularly by denying him his Weingarten rights in violation of N.J.S.A. 34:13A-5.4a(1).

WE WILL rescind the disciplinary action which was wrongfully imposed upon Grant, reflected in the June 18, 2009 Preliminary Notice of Disciplinary Action, for failing to immediately write a report as directed by his supervisor.

WE WILL rescind the pending 3-day suspension issued in accordance with the disciplinary action taken against Grant as reflected in the Preliminary Notice of Disciplinary Action dated June 18, 2009.

Docket No. _____ _____
(Public Employer)

Date: _____ By: _____

This Notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced or covered by any other material.

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Public Employment Relations Commission, 495 West State Street, PO Box 429, Trenton, NJ 08625-0429 (609) 984-7372

APPENDIX "A"