

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

LUIS SANTIAGO,

Appellant,

-and-

OAL Docket No. CSV 2700-08
Agency Docket No. 2008-3576

CITY OF BRIDGETON,

Respondent.

CITY OF BRIDGETON

Respondent,

Docket No. CO-2008-262

-and-

BRIDGETON PBA LOCAL 94

Charging Party.

SYNOPSIS

The Civil Service Commission and the Chairman of the New Jersey Public Employment Relations Commission issue a Joint Order consolidating an appeal before Civil Service and an unfair practice charge before PERC for hearing before an Administrative Law Judge. The appeal and the charge both contest the determination of the City of Bridgeton to fine Luis Santiago. After the ALJ issues an initial decision to both agencies, PERC will make a determination within the scope of its predominant interest. The matter will then be transferred to Civil Service to determine whether the disciplinary action was warranted under Civil Service laws.

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. 2009-46

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION AND
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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Appearances:

For the Appellant/Charging Party, Loccke, Correia,
Schlager, Limsky & Bukosky, attorneys (Lauren P. Sandy,
of counsel)

For the Respondent, Gruccio, Pepper, DeSanto & Ruth,
attorneys (William Blaney, of counsel)

DECISION

Luis Santiago filed an appeal with the Civil Service Commission from the determination of the City of Bridgeton to fine him in the amount of \$6,468 (an amount equal to 30 days pay). Bridgeton PBA Local 94 filed an unfair practice charge

with the Public Employment Relations Commission alleging that the discipline was in retaliation for his union activity. The appeal was transmitted to the Office of Administrative Law and a Complaint on the unfair practice charge was issued.

On December 15, 2008, Appellant/Charging Party filed a motion for consolidation and a predominant interest determination. On December 31, Respondent advised that it did not object to the motion.

On February 3, 2009, Administrative Law Judge W. Todd Miller issued an order consolidating the cases and determining that PERC should have the predominant interest.

Having independently evaluated the record and considered the ALJ's Order, the Civil Service Commission at its meeting on March 11, 2009 and the Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, on February 26, 2009 determined that the two cases should be consolidated and decided consistent with the following Joint Order.

JOINT ORDER

The Civil Service appeal and the unfair practice Complaint are consolidated for hearing before the Administrative Law Judge. The ALJ will offer recommended findings of fact and conclusions of law to both the Public Employment Relations Commission and the Civil Service Commission, disposing of all issues in controversy

through a single initial decision under N.J.A.C. 1:1-18.3 and consistent with N.J.A.C. 1:1-17.8(a); and

Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Public Employment Relations Commission to consider and decide all questions within its unfair practice jurisdiction; and

The Public Employment Relations Commission's decision and the complete record will then be sent to the Civil Service Commission to determine whether the disciplinary action was warranted under Civil Service laws.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
ON MARCH 11, 2009

Hope L. Cooper

Hope L. Cooper, Chairperson
Civil Service Commission

DECISION RENDERED BY THE CHAIRMAN
OF THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON FEBRUARY 26, 2009

Lawrence Henderson

Lawrence Henderson, Chairman
Public Employment Relations
Commission