

STATE OF NEW JERSEY
MERIT SYSTEM BOARD
AND
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

ALFRED VAN SLYCK,

Appellant,

v.

VILLAGE OF RIDGEWOOD,

Respondent.

JOINT ORDER
ON CONSOLIDATION AND
PREDOMINANT INTEREST

OAL Docket No. CSVLT-11039-97N

VILLAGE OF RIDGEWOOD,

Respondent,

-and-

ALFRED VAN SLYCK,

Charging Party.

PERC Docket No. CI-H-98-24

SYNOPSIS

The Chair of the Public Employment Relations Commission, in a joint order with the Commissioner of Personnel, finds that an unfair practice charge filed by Alfred Van Slyck against the Village of Ridgewood should be consolidated with an appeal to the Merit System Board filed by Van Slyck against the Village. The Administrative Law will first offer recommended findings of fact and conclusions of law to both the Commission and Merit System Board, disposing of all issues in controversy through a single initial decision. Upon transmittal of the initial decision to both agencies, the Commission will determine whether Van Slyck engaged in protected activity under the New Jersey Employer-Employee Relations Act, and whether that activity, if protected, was a substantial or motivating factor in his termination. The Commission's decision and the complete record will then be sent to the Merit System Board to determine whether Van Slyck's termination was for legitimate business reasons and was otherwise warranted under Merit System law.

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 Appellant-Charging Party, John Russo, attorney

For Respondent, Grotta, Glassman & Hoffman, attorneys
(Beth Hinsdale, of counsel)

JOINT DECISION

Alfred Van Slyck was terminated from his position with the Village of Ridgewood. He was charged with violating Village policy and openly defying the order of a Village manager. Van Slyck, a civil service employee, appealed to the Merit System Board and the matter was transmitted to the Office of Administrative Law for determination as a contested case.

In addition, Van Slyck filed an unfair practice charge with the Public Employment Relations Commission. The charge alleges that Van Slyck was terminated because of his union activities.

Administrative Law Judge Thomas E. Clancy issued an Order recommending that these matters be consolidated.

Having independently evaluated the record and considered the Administrative Law Judge's order, the Merit System Board at its meeting on July 21, 1998 and the Chair of the Public Employment Relations Commission, acting pursuant to authority delegated to her by the full Commission, on July 9, 1998 made the following determination in this matter.

JOINT ORDER

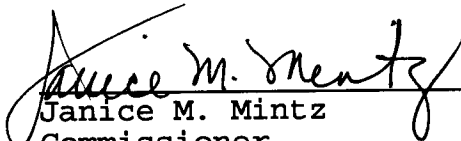
The above matters are consolidated for hearing before an Administrative Law Judge. The Administrative Law Judge will first offer recommended findings of fact and conclusions of law to both the Public Employment Relations Commission and the Merit System Board, disposing of all issues in controversy through a single initial decision under N.J.S.A. 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 Commission to determine whether Van Slyck engaged in activity protected under the New Jersey Employer-Employee Relations Act and whether that activity, if protected, was a substantial or motivating factor in his termination; and

The Commission's decision and the complete record will then be sent to the Merit System Board which will then determine whether Van Slyck's termination was for legitimate business reasons and was otherwise warranted under Merit System law; and


Where appropriate, the matter will be returned to the Commission for its consideration of whether specialized relief is warranted under its Act.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
July 21, 1998


Janice M. Mintz
Commissioner

DATED: Trenton, New Jersey
July 21, 1998

DECISION RENDERED BY THE CHAIR
OF THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON July 9, 1998


Millicent A. Wasell
Chair

DATED: Trenton, New Jersey
July 9, 1998