

H.E. NO. 2014-12

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

In the Matter of

BOROUGH OF CARTERET,

Respondent,

-and-

Docket No. CO-2011-225

POLICE BENEVOLENT ASSOCIATION
LOCAL 47,

Charging Party.

SYNOPSIS

A Hearing Examiner finds that the Borough violated 5.4a(3) and derivatively a(1) of the Act when it disciplined Union Delegate/PBA Officer Renda for statements he made at a public Council meeting . Despite the fact that the statements to the Mayor, calling him a "joke" and telling him to "shut up", were seemingly disrespectful, those statements were protected under the Act. Renda was not in uniform and was speaking off-duty together with several other union representatives about topics of concern to the union. The Mayor and he were equals advocating their respective positions under Black Horse Pike. Moreover, the Mayor's actions provoked Renda's response.

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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Appearances:

For the Respondent,
(Robert J. Bergen, Borough Director of Law)

For the Charging Party,
Mets, Schiro and McGovern, attorneys
(Leonard Schiro, of counsel)

HEARING EXAMINER'S REPORT
AND RECOMMENDED DECISION

On December 8, 2010, Carteret PBA Local 47 (Local 47) filed an unfair practice charge against the Borough of Carteret (Borough). The charge alleges that the Borough violated 5.4(a)(1) and (3)^{1/} of the New Jersey Employer Employee Relations Act, N.J.S.A. 34:13A-1 et. seq. (Act) by disciplining PBA

^{1/} These provision 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."

Delegate Salvatore Renda for addressing a meeting of the governing body concerning union related issues.

On November 14, 2011, the Director of Unfair Practices issued a Complaint and Notice of Hearing (C-1)^{2/}. On November 29, 2011, the City filed an Answer to the Complaint (C-2). The Answer admits that Renda attended and spoke at a Council meeting on October 21, 2010. It acknowledges that the Borough's Police Chief issued a Preliminary Notice of Disciplinary Action against Renda but denies that the disciplinary action was taken in retaliation for his union activity.

A hearing was conducted on December 12, 2013. The parties examined witnesses and produced documentary evidence. Post-hearing briefs were filed by March 31, 2014. Based upon the record, I make the following:

FINDINGS OF FACT

1. The Borough of Carteret and PBA Local 47 are, respectively, a public employer and a public employee representative within the meaning of the Act (T8)^{3/}.

2. The Borough and Local 47 are parties to a collective negotiations agreement which expired December 31, 2011 (T16).

^{2/} "C" and "J" refer respectively, to Commission and Joint exhibits received into evidence at the hearing.

^{3/} Transcript references for the December 12, 2013 hearing are "T".

3. Patrolman Salvatore Renda has been a member of the Carteret Police Department since 2000. He has been a PBA State Delegate since 2008. In addition, he served on the PBA's negotiating team for the 2007-2011 collective negotiations agreement (T15-T16).

4. On October 21, 2010, there was a meeting of the Carteret governing body. Renda and several other PBA representatives attended the public portion of this meeting for the purpose of addressing the Mayor and Council concerning disciplinary charges brought against PBA Local 47's Vice President Thomas Kaminsky for an issue relating to a posting on Facebook (T16-T17, T26).

5. Also in attendance at the October 21 meeting were several other State PBA representatives, including Pat Colligan, Mark Messenger, John Granihan, and Pat Buckalew. Louis Muzyka appeared for the Carteret Superior Officers Association. In addition, Local 47 representatives Matt Failace and Thomas Kaminsky also attended the meeting (T17, T23).

6. At the meeting Renda was not in uniform and was not on duty (T19).

7. Individuals intending to speak at the meeting were asked to list their names on a sign-up sheet maintained by the Borough Clerk (T30). The procedure was that each speaker

would be allotted three minutes at the microphone to address the governing body (T19).

8. The first speaker was Ken Freeman. Freeman expressed his concern that the governing body was using tax dollars to fund "personal vendettas". He asked Mayor Daniel Reiman if the amount spent on legal fees to prosecute the suspension charges against Officer Kaminsky was available (J-1, p.4).^{4/} Mayor Reiman responded "That's not the way this works. You've got three minutes and then I'll respond. If you want me to talk . . . that's going to eat up your three minutes . . ." Freeman answered that he did not care about the time; he wanted an answer to the question. The two then engaged in a back-and-forth dialogue. In essence, Freeman suggested that the Mayor could immediately dismiss the charges as he had previously done with charges against Sergeant William Krowl (T35-T36). The Mayor replied that he would not answer Freeman's questions because the disciplinary matter was ongoing and that Freeman only had three minutes to talk (T27). At one point the Mayor stated, "Mr. Freeman, if you're going to ask a question, you're going to allow me to respond." (T29).

9. The next speaker was Pat Colligan, a member of the State PBA Executive Board and Chairman of the Middlesex/Somerset County

^{4/} Exhibit J-1 is a transcript of the public portion of the October 21 meeting.

PBA Conference. Colligan spoke about the PBA's concern that the Borough was using special police officers to patrol the high school and middle school rather than assigning regular police officers to those posts. He also accused the Mayor of usurping the powers of the police chief as set forth in Title 40A. Further, he commented that the charges against Officer Kaminsky were egregious, embarrassing and an infringement upon the employee's first amendment rights to freedom of speech (J-1, p. 10-12).

10. The next speaker was Mark Messinger, a member of the State PBA Executive Board. Messinger followed up on Colligan's comments concerning the charges pending against Officer Kaminsky. Messinger asked the Mayor how he became aware of Kaminski's conduct and whether the conduct occurred on duty or off duty. The Mayor responded that he could not discuss a pending personnel matter. Messinger and the Mayor then engaged in a volley of dialogue (J-1, p.13-14).

11. The next speaker was Sergeant Louis Muzyka, who read a statement on behalf of the Carteret SOA complaining about the Borough's failure to fill a vacant lieutenant position. Muzyka and the Mayor also engaged in a two-way dialogue concerning that issue (J-1, p.15-17).

12. When it was Renda's turn to address the governing body, he began by making a statement about the Attorney General's

guidelines concerning conducting internal investigations in public. Renda also addressed a comment the Mayor had made earlier in response to another speaker's remarks concerning a recent newspaper article. The Mayor had stated that he wished the PBA would have been more forthcoming with a full account of the facts involving Kaminsky's disciplinary charges. Renda's response to that previous comment was that a disciplinary hearing held in public would allow for a full disclosure of all of the facts leading to Kaminsky's discipline (T-31).

13. For the most part, Renda's remarks were merely statements; during his time to speak, he asked one question about whether he would be afforded additional time. He also posed a rhetorical question about why the governing body had hired special police officers to do security work in the high school. The Mayor interrupted him and started speaking over him (T39; J-1, p.19). Renda answered that he did not want the Mayor to respond, but the Mayor continued to interrupt and speak over Renda (J-1, p.19-20).^{5/} The transcript of the Council Meeting then shows thereafter the following exchange between the two:

Renda: All right. Like I said, do
I get extra time to talk?

^{5/} Renda testified at the hearing that the transcript of the Council Meeting inaccurately recited that Renda remarked, "I want an answer to the question." (T29; J-1, p. 19). The audio tape (J-7) confirms Renda's testimony that he specifically told the Mayor he did not want the question answered.

Reiman: No you don't.

Renda: Then please shut up.

Reiman: Out of order. Out of order.

Renda: I'm trying to talk.

Reiman: Out of order.

Renda: Ok, I'm not trying to talk to you.

Reiman: Next - time like that, you're going - to sit down. I'm going to give you the respect that you deserve. I expect, whether or not for me, for this office.

Renda: And I'm entitled to that

Reiman: Speak.

Renda: -- so don't interrupt me while I'm talking.

Reiman: Speak. [J-1, p.20]

14. Renda continued with his remarks. The Mayor interrupted his remarks eighteen times^{6/} and finally said, "If you're going to ask a question, I'm going to answer it. If you just want to make a statement, you can do that and that's fine." Renda responded, "I'll make a statement." (J-1, p. 23). As Renda continued, the Mayor reminded him that he had three minutes to speak. The Mayor interrupted Renda six more times and finally,

^{6/} The number of interruptions was gleaned from J-1.

Renda replied, "You're a joke". (J-1, p.24). The Mayor then told Renda "That's it, you're done". (J-1, p. 25).

15. After Renda, PBA representatives Mark Papi and Matt Failace also addressed the Mayor and Council concerning the use of special police in the schools (J-1 at p. 26-29). Thereafter, the fathers of two Carteret police officers spoke about disciplinary matters concerning their sons. They were followed by three individuals who identified themselves merely as citizens.

16. The final speaker, Saad Radwan Eid, began by asking about the procedures for addressing the Council. Mayor Reiman responded,

You're allowed to make a statement. Under the State law, you're allowed time at a public meeting. You don't necessarily get to interrogate the Mayor and Council. But you're welcome to raise your question. If a council member wants to answer it they're allowed to, they're not obligated to. It's not a give and take under New Jersey Law . . . [J-1, p.33-34]

Eid then made a statement to the governing body. Included in his remarks was the observation that the Mayor had become "very vindictive against individuals"; he called the Mayor "a liar"; and he predicted that the Mayor would be indicted (J-1, p.35-37).

17. Police Captain McFadden was also in attendance at the meeting but not in uniform. At no time during or immediately

after the meeting did McFadden say anything to Renda. After the meeting McFadden called Chief John Pieczyski at home (T54, T59). McFadden told Pieczyski that several police officers attended the meeting and spoke at the public portion. He further told the Chief that Renda had been disrespectful to the Mayor. The Chief directed McFadden to have the department's internal affairs unit conduct an investigation (T54).

18. By memorandum of November 18, Internal Affairs Officer Lieutenant Thomas Stroka advised Renda that an internal affairs investigation was being initiated concerning his actions at the October 21 council meeting (J-4). Renda was not interviewed as part of the internal affairs investigation (T23).

19. By memorandum of November 23, Lieutenant Stroka advised Police Chief John Pieczyski that he had completed a review of the audio tapes and the transcript of the Council meeting, and that the internal affairs investigation was complete. Specifically, Stroka found that, while engaged in speaking with the Mayor, Renda told the Mayor to "Please shut up," "Don't interrupt while I'm talking," and "You're a joke." Stroka concluded that this was a clear public display of resentment during an argumentative exchange of speech to a higher elected authority. Therefore, Stroka concluded, the charges of insubordination against Renda should be sustained as he violated departmental rule section 12:39(B) which states, "Using profane or insulting language to a

superior officer or to a higher elected or appointing authority." (J-6).

20. By memorandum of November 24, Renda was advised that the investigation had been concluded and that the investigators had recommended that the charges against Renda for violating departmental rules and regulations should be sustained (J-5). The same day, Renda was served with a preliminary notice of discipline charging him with insubordination and conduct unbecoming a public employee (T55). The notice advised Renda that the disciplinary actions which might be taken against him could include a suspension and removal from his position. It also afforded Renda the right to a hearing on the charges (J-2).

21. Chief Pieczyski testified that the reason for the charges against Renda was because of the manner and demeanor that he used when speaking to the Mayor. The Chief testified that it was not his intention to discipline Renda for the content of his comments at the meeting but rather, because he had acted in an inappropriate, insulting manner to the Mayor (T56). Pieczyski explained that other officers who spoke at the Council meeting were not disciplined because he "had no problem with anything any of the officers said. They weren't disrespectful" (T57). Pieczyski agreed that the matters Renda discussed at the Council meeting were PBA issues, not issues of personal interest to Renda as an individual officer (T60).

22. No discipline has yet been imposed upon Renda.

ANALYSIS

N.J.S.A. 34:13A-5.3 guarantees public employees the right to engage in union activities including organizing, making their concerns known to their employer, and negotiating collectively. Section 5.4(a)(3) prohibits an employer from retaliating against an employee for exercising his or her rights as guaranteed in the Section above. Under Bridgewater Tp., 95 N.J. 235 (1984), no violation will be found unless the charging party has proved, by a preponderance of the evidence on the entire record, that protected conduct was a substantial or motivating factor in the adverse action. This may be done by direct evidence or by circumstantial evidence showing that the employee engaged in protected activity, the employer knew of this activity and the employer was hostile toward the exercise of the protected rights. Id. at 246.

If the employer does not present any evidence of a motive not illegal under our Act or if its explanation is rejected as pretextual, there is sufficient basis for finding a violation without further analysis. Sometimes, however, the record demonstrates that both motives unlawful under our Act and other motives contributed to a personnel action. In these dual motive cases, the employer will not have violated the Act if it can prove, by a preponderance of the evidence on the entire record,

that the adverse action would have taken place absent the protected conduct. Id. at 242. This affirmative defense, however, need not be considered unless the charging party has proven, on the record as a whole, that anti-union animus was a motivating factor or substantial reason for the personnel action. Conflicting proofs concerning the employer's motives are for us to resolve.

The PBA asserts that it is well settled that individual employee conduct, whether in the nature of complaints, arguments, objections, letter or other similar activity relating to enforcing a collective negotiations agreement or existing working conditions of employees, constitute protected activities under the Act. No. Brunswick Tp. Bd. of Ed., P.E.R.C. No. 79-14, 4 NJPER 451, 454, (¶4205 1978). The PBA maintains that Renda and other PBA representatives addressed the Mayor and Council solely concerning on-going PBA Local 47 matters involving disciplinary procedures and the preservation of its bargaining unit work. Thus, the PBA argues that Renda's speech at the council meeting was protected by the statute. The Borough acknowledges the issues Renda raised at the council meeting were of collective interest to PBA Local 47's members.

There is no dispute that Renda was engaged in collective activity when he addressed the Mayor and Council on October 21, 2010. There is also no dispute but that at least part of his

remarks were protected by the Act. His purpose in appearing before the Council was to address issues of concern to Local 47's membership. And that is exactly what he did: he commented upon the Borough's use of special police instead of patrolmen to do security work in the schools. He also argued in favor of conducting disciplinary proceedings in public.

The Commission and the courts have long held that an individual public employee has a protected right to publicly address issues concerning collective negotiations, the enforcement of the Union's contract, and other issues concerning employees' working conditions. Middletown Tp. Board of Education, P.E.R.C. No. 96-45, 22 NJPER 31 (¶27016 1995), aff'd 23 NJPER 53 (¶28036 App. Div. 1996), certif. den 149 N.J. 35 (1977). Here, Renda's remarks focused on two issues of collective concern to Local 47's membership: preservation of its unit's work, and disciplinary procedures. Accordingly, I find that the substantive parts of Renda's speech at the Council meeting were a legitimate exercise of his rights protected under the Act.

There is also no question that the employer was aware of this protected conduct, as the comments were made directly to the Mayor and Council and in the presence of Police Captain McFadden. It is not clear whether McFadden relayed the substance of Renda's speech to Chief Pieczynski later that night, apart from telling

him that Renda was "disrespectful" to the Mayor. However, after internal affairs completed its investigation by reviewing the audio tape and the transcript of the meeting, Lt. Stroka advised the Chief what had happened at the meeting. In any event, the Borough acknowledges that it was aware that Renda's comments centered on union concerns, and it emphasizes that the text of his remarks were not the basis of discipline.

An analysis of whether the employer demonstrated any independent hostility toward Renda's remarks is unnecessary here. That is, this is not a case where an employer allegedly retaliates against an employee for protected activity by taking an adverse personnel action for a different reason. Rather, the Borough brought disciplinary against Renda for his remarks. In such cases, hostility can be inferred. Middletown Tp. Bd. of Ed.; Jackson Tp., P.E.R.C. No. 2006-12, 31 NJPER 281 (¶110 2005). Thus, the issue here focuses on whether Renda had a right protected by our Act to tell the Mayor to "shut up" and to call him a "joke." If I find that Renda's comments were protected under the Act, then the resulting discipline for having made those comments directly violates 5.4a(3) of the Act.

Black Horse Pike Regional Board of Education, P.E.R.C. No. 82-19, 7 NJPER 502, (¶12223 1981) is the Commission's seminal case on the issue of what is protected speech under our Act. In that matter, the Commission found that the employer unlawfully

disciplined an employee concerning his comments at a meeting in which he served as union representative for another teacher. The Commission found that:

The Board may criticize employee representatives for their conduct. However, it cannot use its power as employer to convert that criticism into discipline or other adverse action against the individual as an employee when the conduct objected to is unrelated to that individual's performance as an employee. To permit this to occur would be to condone conduct by an employer which would discourage employees from engaging in organizational activity. Id. at 504.

Further, the Commission has held that when an employee acting in the capacity of a union representative interacts with a management representative while pursuing protected activity, "the two are considered to be on an equal footing." Paterson State Operated School Dist., P.E.R.C. No. 2013-74, 39 NJPER 483 (¶153 2013); Middletown Tp. Bd. of Ed.

The PBA argues that all of Renda's comments were fully protected under the Act, including his critical remarks to the Mayor. It notes that Renda was off duty, not in uniform and that all of his comments were made in his capacity as a PBA Delegate and completely unrelated to his duties as a Borough employee. The PBA asserts that his comments were not obscene, abusive, derogatory, disruptive or threatening.

Further, the PBA argues that Renda's comments must be considered in the context of the hostile environment of the

meeting. Renda was immediately interrupted by the Mayor as soon as he started to speak. The Mayor then denied Renda's request for additional speaking time and interrupted Renda again. At this point, Renda told the Mayor to "shut up" because he felt the Mayor was unfairly disrupting his comments concerning union concerns.

The Borough argues that Renda was disrespectful and deliberately insulting to the Borough's "chief civilian authority." Further, it maintains that his comments directly violated Police Departmental policy which prohibits insulting and disrespectful behavior toward superiors.

In Middletown Tp. Bd of Ed., a matter similar to the issue here, the Commission found, and the Court agreed, that the employer violated the Act by disciplining a teacher who criticized the school superintendent during a public board meeting. The Commission ruled that the teacher was acting in the capacity of a Union representative and addressing issues of collective concern to his membership, and that all of his comments at the board meeting, including calling the superintendent a "lying scuzzball," was protected by the Act.

This case does not dictate a different result. First, Renda was not acting in the capacity of a Borough police officer; he was clearly acting as a PBA delegate, addressing the Borough's elected officials concerning issues of concern to the PBA

membership. The Mayor was not, at that meeting, acting in the capacity of Renda's commanding officer - he was an elected official of the Borough. The two were on equal footing - management to labor.

Second, labor relations is sometimes a contentious and emotional business that prompts feelings to run deep. It can hardly be expected that advocates will always be respectful or even civil to one another. Reasonable latitude must be accorded to labor and management advocates to express their opinions, including criticism of one another or impulsive behavior. The PBA cites decisions of the National Labor Relations Board (NLRB) holding that employees engaging in union activities are permitted a certain amount of leeway for the manner in which an employee/union representative might conduct himself. Generally, the NLRB has found that criticism or epithets directed at management representatives, strong or foul language, or even profanity which occurs during the course of protected activity does not justify disciplining an employee acting in a representative capacity. Health Care & Retirement Corp, 306 NLRB 66 (1992); Union Carbide Corp, 331 NLRB 356 (2000); Severance Tool Industries, 301 NLRB 1166, 1170 (1991); Burle Industries, 300 NLRB 498 (1990).

Here, the Borough is correct in viewing Renda's comments as disrespectful and insulting to the Mayor. However, his comments

in the context in which they were made, are insufficient to cause him to lose the protections of the Act.

The Borough argues that it is well recognized that a police force is a para-military organization, where disrespect towards one's superiors is subversive to maintaining proper discipline. It cites City of Newark v. Massey, 93 N.J. Super 317, 323 (App. Div 1967). It notes that Chief Pieczyski testified he was concerned about the way that members of the public at the Council meeting may have perceived Renda's display of disrespect and insulting name calling towards the Mayor.

The City of Newark case is inapposite. There, a police sergeant was found to be insubordinate for refusing a superior officer's order and for slamming his loaded weapon down on the superior officer's desk. Here, Renda was not, at least at the time of the Council meeting, the Mayor's "subordinate." Further, the comments were not made while on duty, and the comments were not directed towards Renda's commanding officer. In addition, he was not threatening, abusive or disruptive of any police operations.

In addition, I find that the Mayor's actions provoked Renda's harsh response. Mayor Reiman established ground rules for the speakers at the beginning of the meeting: speakers would be given three minutes to speak uninterrupted unless they wanted to ask questions. If they did ask questions, the governing body

members would have the right to answer, but that would curtail the speaker's time. The Mayor repeated these ground rules before and after Renda spoke. Renda began by stating that he just wanted to make a statement. The Mayor then repeatedly interrupted Renda numerous times and told him he would not be given additional time to talk. Frustrated by the interruptions, Renda asked the Mayor to "please shut up and let me talk." The Mayor then interrupted and/or talked over Renda which effectively prevented him from completing his remarks. Further frustrated in his efforts to complete his remarks, Renda blurted out, "you're a joke" and sat down. I therefore find that the Mayor provided Renda with provocation for his critical comments. See, generally, State of New Jersey, Dept of Treasury (Glover), P.E.R.C. No. 2001-51, 27 NJPER 167 (¶32056 2001), in which the Commission noted that consideration must be given to whether the employee is acting in the role of a shop steward or union representative at the time, whether the speech occurs "on the shop floor," whether other employees are present, whether the actions were threatening, and whether the employee's actions were provoked by the employer's actions.

Finally, the Borough claims Renda directly violated departmental policy prohibiting disrespectful and insulting conduct towards superiors or elected officials. While I note that Renda's comments could be viewed as disrespectful or

insulting, I note that the policy itself is over-broad in that it allows no latitude for situations such as here where the employee is acting in a union advocacy role and engaging in protected conduct.

Given the totality of the circumstances here, I find that Renda did not lose the protections of the Act while engaging in protected speech under the Act. Therefore, I find that the Borough's disciplinary charges and any discipline penalties against Renda for his disrespectful and insulting behavior violate section 5.4a(3) and, derivatively, 5.4a(1) of the Act.

RECOMMENDATIONS

I recommend that the Commission **ORDER**:

A. That the Borough of Carteret cease and desist from:

1. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by the Act, particularly by bringing and/or sustaining disciplinary charges against Officer Salvatore Renda because of his comments at the October 21, 2010 public meeting of the governing body.

2. Discriminating in regard to the 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, particularly by bringing and/or sustaining disciplinary charges against Officer Salvatore Renda because of his comments at the October 21, 2010 public meeting of the

governing body.

B. That the Borough take the following affirmative action:

1. Immediately rescind the disciplinary charges and any disciplinary penalty recommended or imposed against Officer Renda and remove any copies thereof from Renda's personnel file.

2. Post in all places where notices to employee are customarily posted, copies of the attached notice marked as Appendix "A." Copies of such notice shall, after being signed by the Respondent's authorized representative, be posted immediately and maintained by it for at least sixty (60) consecutive days. Reasonable steps shall be taken to ensure that such notices are not altered, defaced or covered by other materials.

3. Within twenty (20) days of receipt of this decision, the Borough notify the Chair of the Commission of the steps the Respondent has taken to comply with this order.



Wendy L. Young
Hearing Examiner

DATED: May 12, 2014
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 May 22, 2014.



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 employees in the exercise of the rights guaranteed to them by the Act, particularly by bringing and/or sustaining disciplinary charges against Officer Salvatore Renda because of his comments at the October 21, 2010 public meeting of the governing body.

WE WILL cease and desist from discriminating in regard to the 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, particularly by bringing and/or sustaining disciplinary charges against Officer Salvatore Renda because of his comments at the October 21, 2010 public meeting of the governing body.

WE WILL rescind the disciplinary charges and any disciplinary penalty recommended or imposed against Officer Salvatore Renda and remove any copies thereof from Renda's personnel file.

Docket No. CO-2011-225

Borough of Carteret
(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