

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY	:	
(DEPARTMENT OF TREASURY),	:	
	:	
Respondent,	:	
-and-	:	PERC Docket No. CO-H-95-71
	:	OAL Docket No. PRC 10935-99S
	:	
COMMUNICATIONS WORKERS	:	
OF AMERICA, AFL-CIO,	:	
	:	
Charging Party.	:	
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GEORGE GLOVER,	:	
Appellant,	:	
v.	:	OAL Docket No. CSV 10708-94
	:	
STATE OF NEW JERSEY	:	
(DEPARTMENT OF TREASURY),	:	
	:	
Respondent.	:	

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint based on an unfair practice charge filed by the Communications Workers of America, AFL-CIO against the State of New Jersey (Department of Treasury). The charge alleged that George Glover's suspension and termination violated the New Jersey Employer-Employee Relations Act. The unfair practice charge was consolidated with an appeal filed with the Merit System Board by Glover. In a prior decision, the Commission held that Glover had engaged in some activity that was protected and other activity that was unprotected. It then transferred the case to the Merit System Board to determine whether Glover would have been terminated absent the protected activity based on legitimate business reasons and his unprotected activity. The Commission concluded that that determination involved an assessment of all the numerous specifications against Glover and was beyond the Commission's authority under the predominant interest order. The Merit System Board held that Glover was properly discharged based on his unprotected conduct and the employer's business reasons. The case was then returned to the Commission to dismiss the Complaint.

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, John J. Farmer, Jr., Attorney General
(Stephan M. Schwartz, Deputy Attorney General)

For the Charging Party, Weissman & Mintz, attorneys
(Stephen P. Weissman, of counsel)

DECISION

On March 30, 2001, the Public Employment Relations Commission issued a decision and order involving both an unfair practice charge filed by the Communications Workers of America, AFL-CIO with the Commission and disciplinary appeals filed by George Glover, a former employee of the State of New Jersey and

CWA shop steward, with the Merit System Board. P.E.R.C. No. 2001-51, 27 NJPER 167 (¶32056 2001). The Commission found that Glover had engaged in certain activity which was protected by the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. and certain activity which was unprotected. The last paragraph of the decision stated:


If the MSB determines that Glover would have been discharged based on his unprotected conduct and the employer's business reasons, we will dismiss the Complaint. If the MSB determines that Glover would not have been discharged based on legitimate reasons, the case should be transferred back to us and we will consider whether specialized relief is warranted under our Act. We enter no order at this juncture and will simply transmit the case to the MSB for its deliberations.

On June 15, 2001, the Merit System Board issued its final decision. It concluded that Glover was properly discharged based on his unprotected conduct and the employer's business reasons. Acting pursuant to the Commission's decision and authority delegated to the Chair by the full Commission, I now dismiss the Complaint.

ORDER

The Complaint is dismissed.

BY ORDER OF THE COMMISSION


Millicent A. Wasell
Chair

DATED: June 25, 2001
Trenton, New Jersey
ISSUED: June 25, 2001