

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
AND
COMMISSIONER OF EDUCATION

In The Matter of the TENURE
HEARING OF JACQUELINE HOLMES
WILLIAMS, RIVERFRONT STATE PRISON,
NEW JERSEY, DEPARTMENT OF
CORRECTIONS

OAL DOCKET NO. EDU 6849-92
EDU DOCKET NO. 388-8/92
PERC DOCKET NO. CO-H-93-25

STATE OF NEW JERSEY
(DEPARTMENT OF CORRECTIONS),

Respondent,

-and-

JOINT ORDER
CONSOLIDATION AND
PREDOMINANT INTEREST
DETERMINATION

COMMUNICATIONS WORKERS OF
AMERICA, AFL-CIO,

Charging Party.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, in a joint decision with the Commissioner of Education, find that an unfair practice charge filed with the Commission by the Communications Workers of America, AFL-CIO and tenure charges filed with the Commissioner should be consolidated.

The Commission and the Commissioner order that the Commission will make the initial decision whether Jacqueline Holmes Williams was 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 the bringing of tenure charges; and that the Commissioner will then determine whether the bringing of tenure charges was for legitimate business reasons and will issue a Final Decision on the tenure charges; and that the matter then be returned to the Commission for its consideration of specialized remedial relief under the Act.

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-and-

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AMERICA, AFL-CIO,

Charging Party.

Appearances:

For the Petitioner-Respondent, Robert J. Del Tufo, Attorney
General (Edwin H. O'Hara, law assistant)

For the Respondent-Charging Party, Lisa Morowitz, attorney

This matter was opened before the Office of Administrative
Law by motion of Jacqueline Holmes Williams and cross-motion of the
State of New Jersey (Department of Corrections). Administrative Law
Judge Mary Ann Burgess, ALJ/t.a., issued an order consolidating these
matters and designating the Commissioner of Education as having the
predominant interest to issue the Final Decision. The entire record
would then be forwarded to the Commission for consideration of the
grant of any additional relief.

MARCH 5, 1993

Having considered the record and the Administrative Law Judge's order, and having made an independent evaluation of the record, the Commissioner of Education on MARCH 5, 1993 and the Chairman of the Public Employment Relations Commission, acting pursuant to authority granted to him by the full Commission, on February 25, 1993 made the following determination in the matter.

ORDER

The Commissioner of Education and the Chairman of the Public Employment Relations Commission ORDER that EDU Docket No. 388-8/92, OAL Docket No. EDU 6849-92 and PERC Docket No. CO-H-93-25 be consolidated for hearing; and it is

FURTHER ORDERED that the Commissioner of Education and the Public Employment Relations Commission have agreed to the following procedures, and it is

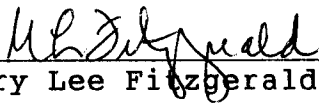
FURTHER ORDERED that the Public Employment Relations Commission will make the initial decision whether Jacqueline Holmes Williams was engaged in activity protected under the New Jersey Employer-Employee Relations Act and whether that activity, if protected, was a substantial or motivating factor in the bringing of tenure charges; and it is

FURTHER ORDERED that the Commissioner of Education will then determine whether the bringing of tenure charges was for legitimate business reasons and will issue a Final Decision on the tenure charges; and it is

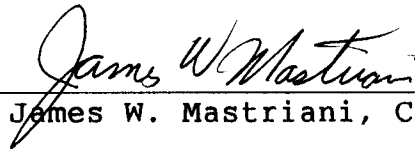
FURTHER ORDERED that the matter then be returned to the Public Employment Relations Commission for its consideration of specialized remedial relief under its Act.

DECISION RENDERED BY THE COMMISSIONER
OF EDUCATION ON MARCH 5 , 1993

DECISION RENDERED BY THE PUBLIC
EMPLOYMENT RELATIONS COMMISSION
ON FEBRUARY 25, 1993



Mary Lee Fitzgerald, Commissioner



James W. Mastriani, Chairman

DATED: Trenton, New Jersey
MARCH 5 , 1993

DATED: Trenton, New Jersey
February 25, 1993