

Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1) and (3), by retaliating against Krohn for engaging in activity protected by the Act.

On May 3, 1999, Krohn filed another unfair practice charge against the employer. It alleges violations of N.J.S.A. 34:13A-5.4a(1) and (4) when the employer allegedly retaliated against Krohn for filing her earlier charges.

On October 26, 2000, a Consolidated Complaint and Notice of Hearing issued on the unfair practice charges.

On May 5, 1999, Krohn submitted a letter of resignation stating that as of May 19, 1999 she would no longer work for the County. By letter dated May 13, 1999, Krohn attempted to rescind her resignation, but the employer refused to consent to her request. Krohn then appealed to the Merit System Board, claiming that her resignation was the result of duress and/or coercion by the employer. She claims that she was forced to submit her resignation as a result of constant displays of retaliation and reprisal because she filed grievances and complaints regarding improperly scheduled work assignments and management's failure to compensate her for overtime.

On April 18, 2000, the Merit System Board ordered that a hearing be granted and that the matter be transmitted to the Office of Administrative Law for further proceedings to determine whether Krohn's allegations concerning the reasons for her resignation were valid and whether her resignation was the result of duress or coercion.

By letters dated November 28 and December 19, 2000 and February 11, 2001, Krohn asked the Administrative Law Judge to consolidate the Board and Commission matters to save time and money. The employer did not take a position on consolidation or a finding of predominant interest. See N.J.A.C. 1:1-17.1.

On February 28, 2001, Anthony T. Bruno, ALJ, recommended that the matters be consolidated, that neither agency be found to have the predominant interest, and that the record should first be forwarded to the Merit System Board for final determination.

No exceptions have been filed.

Having independently evaluated the record and considered the Administrative Law Judge's order, the Merit System Board at its meeting on March 27, 2001 and the Chair of the Public Employment Relations Commission, acting pursuant to authority delegated to her by the full Commission, on March 9, 2001 made the following determination in this matter. The matters should be consolidated and neither agency declared to have the predominant interest. The Commission should review the Initial Decision first because its determinations could aid the Board in evaluating the circumstances surrounding Krohn's resignation.

JOINT ORDER

The above matters are consolidated for hearing before the Administrative Law Judge. The Administrative Law Judge will first offer recommended findings of fact and conclusions of law to both

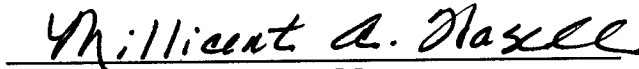
the Public Employment Relations Commission and the Merit System Board, disposing of all issues in controversy through a single initial decision under N.J.S.A. 1:1-18.3 and consistent with N.J.A.C. 1:1-17.8(a); and

Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Commission to determine whether the employer violated the Employer-Employee Relations Act. After issuing its Final Decision, the Commission will forward the record to the Board to determine whether Krohn's allegations concerning the reasons for her resignation were valid and whether her resignation was the result of duress or coercion.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
MARCH 27, 2001


Janice Mitchell Mintz
Commissioner

DECISION RENDERED BY THE CHAIR OF
THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON MARCH 9, 2001


Millicent A. Wasell
Chair