

supervisor. Mr. Johnson requested a hearing before the Merit System Board and the matter was transmitted to the Office of Administrative Law for determination as a contested case. In addition, IFPTE, Local 195 filed an unfair practice charge with the Public Employment Relations Commission alleging that the charges were fabricated so that Johnson would refrain from filing grievances.

Administrative Law Judge Joseph Lavery issued an order consolidating these matters and designating the Merit System Board as having the predominant interest. The matter would first be considered by the Board and then by the Commission.

Having considered the record and the Administrative Law Judge's order, and having made an independent evaluation of the record, the Merit System Board at its meeting on March 23, 1993 and the Chairman of the Public Employment Relations Commission, acting pursuant to authority granted to him by the full Commission, on March 18, 1993, made the following determination in this matter.

ORDER

The Merit System Board and the Public Employment Relations Commission have agreed to the following procedures, and it is;

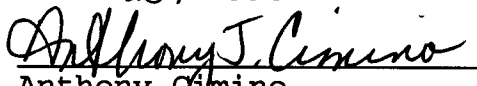
FURTHER ORDERED that the above matters be consolidated for hearing before the Office of Administrative Law; and it is

FURTHER ORDERED that the Commission will make the initial decision whether Johnson 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 it is

FURTHER ORDERED that the Merit System Board will then determine whether his removal was for legitimate business reasons and was otherwise warranted under merit system law; and it is

FURTHER ORDERED that in the event it is found that the removal was not for legitimate business reasons, the matter will then be returned to the Commission for its consideration of specialized remedial relief under its Act.

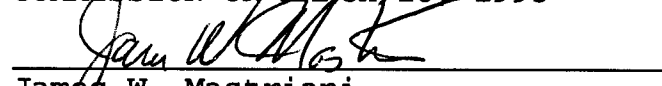
DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
MARCH 23, 1993



Anthony Cimino
Commissioner

DATED: Trenton, New Jersey
March 23, 1993

DECISION RENDERED BY THE CHAIRMAN
OF THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON MARCH 18, 1993



James W. Mastriani
Chairman

DATED: Trenton, New Jersey
March 18, 1993