

STATE OF NEW JERSEY
MERIT SYSTEM BOARD
AND
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JERSEY CITY LAYOFFS

JOINT ORDER
ON CONSOLIDATION AND
PREDOMINANT INTEREST

OAL Docket No. CSV 710-95

CITY OF JERSEY CITY

Respondent,

-and-

PERC Docket No. CI-H-96-18

PATRICK JOHNSTON

Charging Party.

SYNOPSIS

The Chairman of the Public Employment Relations Commission, in a joint order with the Merit System Board, finds that an unfair practice charge filed by Patrick Johnson against the City of Jersey City should be consolidated with an appeal to the Merit System Board filed by a group of employees of the City of Jersey City. The Administrative Law Judge will first offer recommended findings of fact and conclusions of law to both the 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). Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Merit System Board to render a final administrative decision on all issues within the scope of its predominant interest. That decision and the complete record will then be sent to the Commission to render a final decision on any remaining issues and consider any specific remedies which may be within its statutory grant of authority.

This synopsis is not part of the decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission or the Merit System Board.

On March 29, 1995, one of the appellants, Patrick Johnston, filed an unfair practice charge with the Public Employment Relations Commission alleging that his layoff violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

The City filed a motion for consolidation and predominant interest determination pursuant to N.J.A.C. 1:1-17.1 et seq. urging that the unfair practice charge be consolidated with the appeal already being heard at the Office of Administrative Law. The charging party does not oppose the motion.

On January 31, 1996, Administrative Law Judge Arnold Samuels issued an order consolidating the cases and determining that the Merit System Board has the predominant interest in the conduct and outcome of the matter.

Having independently evaluated the record and considered the Administrative Law Judge's order, the Merit System Board at its meeting on February 20, 1996 and the Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, on February 21, 1996 made the following determination in this matter.

ORDER

The above matters are consolidated for hearing before the Administrative Law Judge. The predominant interest in the conduct and outcome of the consolidated matter rests with the Merit System Board. 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).

Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Merit System Board. The Board will render a final administrative decision on all issues within the scope of its predominant interest. That decision and the complete record will then be sent to the Commission. The Board will request an extension of time under N.J.A.C. 1:1-18.8 to permit the Commission to render a final decision on any remaining issues and consider any specific remedies which may be within its statutory grant of authority.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
February 20, 1996


Linda M. Anselmini
Commissioner

DATED: Trenton, New Jersey
February 20, 1996

DECISION RENDERED BY THE CHAIRMAN
OF THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON February 21, 1995


James W. Mastriani
Chairman

DATED: Trenton, New Jersey
February 21, 1996