

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

In the Matter of	:	
	:	
LUCIANO REA,	:	
	:	
Appellant,	:	JOINT ORDER
	:	ON CONSOLIDATION AND
v.	:	PREDOMINANT INTEREST
	:	
TOWNSHIP OF TEANECK,	:	
	:	
Respondent.	:	OAL Docket No. CSV 1508-95
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TOWNSHIP OF TEANECK,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-95-170
	:	
AFSCME COUNCIL 52,	:	
LOCAL 820,	:	
	:	
Charging Party.	:	
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SYNOPSIS

The Chair of the Public Employment Relations Commission, in a joint order with the Commissioner of Personnel, finds that an unfair practice charge filed by AFSCME Council 52, Local 820 against the Township of Teaneck should be consolidated with an appeal to the Merit System Board filed by Luciano Rea against the Township. The predominant interest in the outcome of the consolidated matter rests with the Public Employment Relations Commission. A Hearing Examiner of the Commission designated as a Special Administrative Law Judge will first offer recommended findings of fact and conclusions of law to both the Commission and Merit System Board, disposing of all issues in controversy through a single initial decision. Upon transmittal of the initial decision to both agencies, the Commission will review the matter and the record will then be forwarded to the Merit System Board for review. Where appropriate, the matter will be returned to the Commission for its consideration of whether specialized relief is warranted under its Act.

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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In the Matter of

LUCIANO REA,

Appellant,

v.

TOWNSHIP OF TEANECK,

Respondent.

JOINT ORDER
ON CONSOLIDATION AND
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OAL Docket No. CSV 1508-95

TOWNSHIP OF TEANECK,

Respondent,

-and-

PERC Docket No. CO-H-95-170

AFSCME COUNCIL 52,
LOCAL 820,

Charging Party.

Appearances:

For the Appellant-Charging Party, Kathleen A.
Mazzouccolo, attorney

For the Respondent, Peckar & Abramson, attorneys
(Andrea Morganelli, of counsel)

JOINT DECISION

Luciano Rea was laid off from his position with the Township of Teaneck. Rea, a Civil Service employee, contested the layoff before the Merit System Board and the matter was transmitted to the Office of Administrative Law for determination as a contested case.

In addition, Rea's majority representative, AFSCME Council 52, Local 820, filed an unfair practice charge with the Public Employment Relations Commission. The charge alleges that the Township's actions in abolishing Rea's position and laying him off were in retaliation for his protected activity.

Administrative Law Judge Jeffrey A. Gerson issued an Order consolidating these matters, directing that the Public Employment Relations Commission has the predominant interest.

Having independently evaluated the record and considered the Administrative Law Judge's order, the Merit System Board at its meeting on December 14, 1997 and the Chair of the Public Employment Relations Commission, acting pursuant to authority delegated to her by the full Commission, on December 3, 1997 made the following determination in this matter.

JOINT ORDER

The above matters are consolidated for hearing before a Hearing Examiner of the Public Employment Relations Commission designated as a Special 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 Rea 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 abolishing his position and laying him off; and

The Commission's decision and the complete record will then be sent to the Merit System Board which will then determine whether Rea's layoff was for legitimate business reasons and was otherwise warranted under Merit System Law; and

Where appropriate, the matter will be returned to the Commission for its consideration of whether specialized relief is warranted under its Act.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
DECEMBER 16, 1997

Linda M. Anselmini (PA)
Linda M. Anselmini
Commissioner

DECISION RENDERED BY THE CHAIR OF
THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON DECEMBER 3, 1997

Millicent A. Wasell
Millicent A. Wasell
Chair

DATED: Trenton, New Jersey
~~December~~, 1997
February 23, 1998

DATED: Trenton, New Jersey
December 3, 1997