

P.E.R.C. NO. 2005-77

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JOSEPH HETZEL,

Petitioner,

-and-

OAL Docket No. CSV 10240-04
Agency Docket No. 2005-1135

COUNTY OF GLOUCESTER,

Respondent.

COUNTY OF GLOUCESTER,

Respondent,

-and-

PERC Docket No. CO-2005-105

FOP LODGE 97,

Charging Party.

SYNOPSIS

The Chairman of the Public Employment Relations Commission and the Merit System Board entered a joint order consolidating an unfair practice charge filed with the Commission and a disciplinary appeal filed with the Merit System Board. The consolidated case will be heard by an Administrative Law Judge. The Judge's Initial Decision and the record will be forwarded to the Board first to consider and decide all questions within the scope of its predominant interest. If appropriate, the matter will then be forwarded to the Commission for consideration of any remaining issues within its jurisdiction.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JOSEPH HETZEL,

Petitioner,

-and-

OAL Docket No. CSV 10240-04
Agency Docket No. 2005-1135

COUNTY OF GLOUCESTER,

Respondent.

COUNTY OF GLOUCESTER,

Respondent,

-and-

PERC Docket No. CO-2005-105

FOP LODGE 97,

Charging Party.

Appearances:

For the Respondent, Brown & Connery, LLP, (Ila
Bhatnagar, of counsel)

For the Petitioner/Charging Party, Fusco & Macaluso,
P.A. (Ciro Spina III, of counsel)

DECISION

On August 31, 2004, Joseph Hetzel filed an appeal with the Merit System Board of a determination by the County of Gloucester to suspend him for fifteen days. On October 22, FOP Lodge 97 filed an unfair practice charge alleging that Hetzel's suspension was intended to discriminate against him and members of Local 97's executive board. The appeal was transmitted to the Office

of Administrative Law and a Complaint on the unfair practice charge was issued.

The respondent filed a notice of motion for consolidation and predominant interest determination. The appellant/charging party supports consolidation and a determination that the Board has the predominant interest in the conduct and outcome of the consolidated matter.

On May 2, 2005, Administrative Law Judge Bruce M. Gorman issued a decision and order consolidating the cases before the ALJ and determining that the Board should have the predominant interest.

Having independently evaluated the record and considered the ALJ's Order, the Board, at its meeting on June 8, 2005 and the Chairman of the Public Employment Relations Commission, acting pursuant to authority delegated to him by the full Commission, on May 19, 2005 determined that the two cases should be consolidated and decided consistent with the procedure requested by both parties.

JOINT ORDER

The Merit System Board appeal and the Public Employment Relations Commission Complaint are consolidated for hearing before the Administrative Law Judge. The ALJ 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.A.C. 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 Board to consider and decide all questions within the scope of its predominant interest; and

If appropriate, the matter will then be forwarded to the Commission for consideration of any remaining issues within its jurisdiction.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
June 8, 2005

DECISION RENDERED BY THE CHAIRMAN
OF THE PUBLIC EMPLOYMENT RELATIONS
COMMISSION ON MAY 19, 2005


Rolando Torres, Jr.
Commissioner
Merit System Board


Lawrence Henderson
Chairman
Public Employment Relations Commission