

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JESSICA PEREZ,

Appellant,

-and-

OAL Dkt. No. CSV 04266-18  
Agency Dkt. No. 2018-2620

SUPERIOR COURT OF NEW JERSEY  
(ESSEX VICINAGE),

Respondent.

---

In the Matter of

PROBATION ASSOCIATION OF NEW JERSEY  
(PROFESSIONAL CASE RELATED UNIT),

Charging Party,

-and-

OAL Dkt. No. PRC 12437-18  
PERC Dkt. No. CO-2018-073

NEW JERSEY STATE JUDICIARY,

Respondent.

SYNOPSIS

The Public Employment Relations Commission adopts the Initial Decision of the Administrative Law Judge (ALJ) finding that the settlement agreement between the parties meets the requirements of N.J.A.C. 1:1-19.1. The Association filed an unfair practice charge with the Commission alleging that Perez was improperly suspended from her employment and that her Weingarten rights were violated. The employee appealed the disciplinary action to the Civil Service Commission (CSC) and the appeal was transmitted to Office of Administrative Law (OAL). During the proceedings before the OAL, the parties reached a settlement resulting in the charging party withdrawing its unfair practice charge and all matters before the CSC. Having adopted the ALJ's Initial Decision approving the settlement, the matter will be transferred to the CSC for its consideration of the Initial Decision.

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.

P.E.R.C. NO. 2019-45

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

JESSICA PEREZ,

Appellant,

-and-

OAL Dkt. No. CSV 04266-18  
Agency Dkt. No. 2018-2620

SUPERIOR COURT OF NEW JERSEY  
(ESSEX VICINAGE),

Respondent.

---

In the Matter of

PROBATION ASSOCIATION OF NEW JERSEY  
(PROFESSIONAL CASE RELATED UNIT),

Charging Party,

-and-

OAL Dkt. No. PRC 12437-18  
PERC Dkt. No. CO-2018-073

NEW JERSEY STATE JUDICIARY,

Respondent.

Appearances:

For the Appellant/Charging Party, Law Offices of Daniel  
J. Zirrith, LLC (Lynsey A. Stehling, of counsel)

For the Respondent, Susanna J. Morris, Staff Attorney,  
Counsel to the Administrative Office of the Courts

DECISION

This case comes to us to issue a final decision after an  
Administrative Law Judge (ALJ) issued an Initial Decision on  
April 25, 2019.<sup>1/</sup>

---

<sup>1/</sup> The Initial Decision is attached hereto in the appendix.

On September 5, 2017, the Probation Association of New Jersey (Professional Case Related Unit) (PANJ) filed an unfair practice charge with the Public Employment Relations Commission (PERC) alleging that Jessica Perez was improperly suspended from employment with the New Jersey State Judiciary, Essex Vicinage and that her Weingarten rights were violated when she was not provided union representation during an investigatory meeting. Counsel for Perez appealed the Preliminary Notice of Disciplinary Action dated July 21, 2017, an Amended Preliminary Notice of Disciplinary Action dated September 14, 2017, and a Final Notice of Disciplinary Action dated December 11, 2017 to the Civil Service Commission (CSC). The CSC appeal was transmitted to the Office of Administrative Law (OAL) and PERC issued a complaint on the unfair practice charge.

The Appellant/Charging Party filed a motion for consolidation and predominant interest determination at the OAL. The Respondent opposed the motion for consolidation as three separate matters were pending.

On October 3, 2018, Administrative Law Judge (ALJ) Julio C. Morejon issued a decision and order consolidating the cases and determining that the CSC should have the predominant interest. PERC and the CSC rejected that decision, and issued a Joint Order of Consolidation and Predominant Interest consolidating the unfair practice charge and the CSC appeal, with PERC having the

predominant interest. P.E.R.C. No. 2019-15, 45 NJPER 182 (¶47 2018).<sup>2/</sup>

During the course of the proceedings before the OAL, the parties engaged in global settlement discussions and ultimately entered into a settlement agreement. As part of the settlement agreement, the charging party withdrew the unfair practice charge and all matters currently pending at CSC.

The ALJ's April 25, 2019 Initial Decision finds that the settlement agreement meets the requirements of N.J.A.C. 1:1-19.1. We adopt the Initial Decision. The case will now be transferred to the CSC for its consideration of the Initial Decision.

ORDER

The Initial Decision of the Administrative Law Judge is hereby adopted.

BY ORDER OF THE COMMISSION

Chair Weisblatt, Commissioners Bonanni, Boudreau, Jones, Papero and Voos voted in favor of this decision. None opposed.

ISSUED: May 30, 2019

Trenton, New Jersey

---

<sup>2/</sup> On November 21, 2018, ALJ Anthony Tiscornia issued a decision and order consolidating the cases and determining that the CSC should have the predominant interest. On December 3, the CSC wrote to ALJs Moregon and Tiscornia seeking clarification as to why the November 21st order was issued.