

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
AND
COMMISSIONER OF EDUCATION

In the Matter of	:	
	:	OAL DOCKET NO. EDU 6671-88
EWING TOWNSHIP BUS DRIVERS'	:	EDU DOCKET NO. 257-8/88
ASSOCIATION and CARL INGLESE et al.	:	PERC DOCKET NO. CO-H-89-36
	:	
Charging Party-Petitioners,	:	JOINT ORDER
	:	
-v-	:	CONSOLIDATION AND
	:	PREDOMINANT INTEREST
EWING TOWNSHIP BOARD OF EDUCATION,	:	DETERMINATION
	:	
Respondent.	:	
	:	

SYNOPSIS

The Public Employment Relations Commission, in a joint order with the Commissioner of Education, finds that an unfair practice charge against the Ewing Township Board of Education should be consolidated with an appeal to the Commissioner; the predominant interest in the conduct and outcome of the consolidated matter rests with the Commission; the Administrative Law Judge shall conduct a hearing, and the Commission has the authority to issue a final decision on all issues raised by the consolidated matter.

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	:	
Respondent.	:	
	:	

Appearances:

For the Charging Party-Petitioners, Katzenbach, Gildea & Rudner, Esqs. (Ezra D. Rosenberg, of counsel)

For the Respondent, David W. Carroll, Esq.

Carl Inglese, Rose A. Lanning and Florine Warner appealed to the Commissioner of Education ("Commissioner") concerning the termination of their employment, effective June 30, 1988, as bus drivers for the Ewing Township Board of Education ("Board"). The matter was transmitted to the Office of Administrative Law for determination as a contested case. In addition, the Ewing Township Bus Drivers' Association ("Charging Party") filed an unfair practice charge with the Public Employment Relations Commission ("Commission"). The Association alleges that the Board, by unilaterally changing terms and conditions of the collective negotiations agreement between the Board and the Charging Party, violated N.J.S.A. 34:13A-5.4(1) and (5). If further alleges that

Inglese was discharged in retaliation for his activity as Association president.

The Board moved to consolidate the petition and charge and for designation of the Commissioner as having the predominant interest pursuant to N.J.A.C. 1:1-17.5. The Charging Party-Petitioners agreed to consolidate but argued that the Commission should have the predominant interest.

The Administrative Law Judge concluded that the two matters should be consolidated since they arise out of petitioners' termination. He also concluded that the Commission should have the predominant interest. No exceptions have been filed to the decision.

Having considered the record and the Administrative Law Judge's letter order, and having made an independent evaluation of the record, the Commissioner of Education on February 23, 1989 and the Public Employment Relations Commission on February 10, 1989 made the following determination in the matter.

ORDER


The Commissioner of Education and the Public Employment Relations Commission ORDER that EDU Docket No. 257-8/88, OAL Docket No. EDU 6671-88 and PERC Docket No. CO-H-89-36 be consolidated for hearing; and it is

FURTHER ORDERED that the predominant interest in the conduct and outcome of the consolidated matter rests with the Public Employment Relations Commission; and it is

FURTHER ORDERED that the Administrative Law Judge shall conduct a hearing on this matter and issue a recommended decision; and it is

FURTHER ORDERED that the Public Employment Relations Commission has the authority to issue a final decision on all issues raised by the consolidated matter.

DECISION RENDERED BY THE COMMISSIONER OF EDUCATION ON February 23, 1989


Saul Cooperman, Commissioner

DECISION RENDERED BY THE PUBLIC EMPLOYMENT RELATIONS COMMISSION ON FEBRUARY 10, 1989


James W. Mastriani, Chairman

Chairman Mastriani, Commissioners Johnson, Ruggiero and Smith voted in favor of this decision. None opposed. Commissioners Bertolino and Reid abstained. Commissioner Wenzler was not present.

DATED: Trenton, New Jersey
February 10, 1989
ISSUED: February 23, 1989