

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

In the Matter of

JOHN J. TEEHAN,
Appellant,

v.

MONMOUTH COUNTY PROBATION
DEPARTMENT,

Respondent.

OAL DKT. NO. CSV 2806-89

JOINT ORDER

MONMOUTH COUNTY BOARD OF CHOSEN
FREEHOLDERS AND ASSIGNMENT
JUDGE OF MONMOUTH COUNTY,

Respondents,

-and-

JOHN J. TEEHAN AND
OPEIU, LOCAL 32,

Charging Parties.

PERC DKT. NOS. CI-H-89-90 and
CO-H-89-328

SYNOPSIS

The Public Employment Relations Commission, in a joint order with the Merit System Board, finds that unfair practice charges filed with the Public Employment Relations Commission by John J. Teehan and OPEIU, Local 32 against the Monmouth County Board of Chosen Freeholders and the Assignment Judge of Monmouth County, and an appeal to the Merit System Board filed by Teehan against the Monmouth County Probation Department should be consolidated.

The Commission and the Merit System Board further order that the matter shall be heard by an administrative law judge; that the Public Employment Relations Commission will first issue a final decision solely on the allegations in the unfair practice charges (CI-H-89-90; CO-H-89-328), and that the Merit System Board will then issue a final determination on the matter of the appeal of the decision of the Monmouth County Probation Department (OAL Dkt. No. CSV 2806-89).

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John J. Teehan, a Monmouth County Probation officer, appealed to the Merit System Board ("MSB") concerning a six month disciplinary suspension for falsification of an employment application and intentional misstatements of material facts in connection with an employment interview and falsification of matters pertaining to the obtaining of employment in July 1988. The matter was transmitted to the Office of Administrative Law as a contested case.

Teehan and OPEIU, Local 32 filed unfair practice charges against the Monmouth County Board of Chosen Freeholders and the Assignment Judge of Monmouth County alleging violations of N.J.S.A. 34:13A-5.4(a) (1), (3) and (7), when Teehan was interviewed about the allegations which resulted in his suspension, allegedly in violation of his right to union representation.

At the Office of Administrative Law, Teehan moved to consolidate the matters. The Administrative Law Judge concluded that the matters should not be consolidated. His decision precluded a predominant interest determination.

Having considered the record and the Administrative Law Judge's initial order, and having made an independent evaluation of the record, the Merit System Board at its meeting on November 1, 1989, and the Public Employment Relations Commission at its meeting on October 27, 1989, made these determinations.

If an unfair practice is found concerning the January 1989 interview, the remedy might bear on what evidence could be considered in evaluating the disciplinary charges. See, e.g., Dover Municipal Utilities Auth., P.E.R.C. No. 84-132, 10 NJPER 333 (¶15157 1984). Consolidation will avoid the possibility of inconsistent results should an unfair practice remedy have that effect. The non-binding effect of the Commission's determination does not affect its role in making factual findings and a recommendation. In re Judges of Passaic Cty., 100 N.J. 352 (1985).

Accordingly, the Merit System Board and the Public Employment Relations Commission:

ORDER

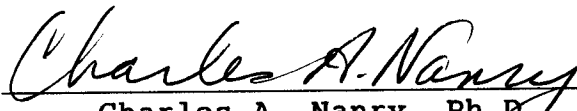
That the above matters should be consolidated; and it is FURTHER ORDERED, that the matter shall be heard by an administrative law judge; and it is

FURTHER ORDERED, that the Public Employment Relations Commission will first issue a final decision solely on the allegations in the unfair practice charges (CI-H-89-90; CO-H-89-328); and it is

FURTHER ORDERED, that the Merit System Board will then issue a final determination on the matter of the appeal of the decision of the Monmouth County Probation Department (OAL Dkt. No. CSV 2806-89).

DECISION RENDERED BY THE MERIT SYSTEM BOARD ON NOVEMBER 1, 1989

DECISION RENDERED BY THE PUBLIC EMPLOYMENT RELATIONS COMMISSION ON OCTOBER 27, 1989


Charles A. Nanry, Ph.D.
Acting Commissioner


James W. Mastriani, Chairman

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