

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

In the Matter of	:	
	:	
COLLEEN FOX,	:	JOINT ORDER
	:	ON CONSOLIDATION AND
Appellant,	:	PREDOMINANT INTEREST
	:	
-and-	:	OAL Docket No. CSV 8122-98S
	:	
BURLINGTON COUNTY,	:	
	:	
Respondent.	:	
<hr/>		
BURLINGTON COUNTY,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-99-10
	:	
COLLEEN FOX,	:	
	:	
Charging Party.	:	

SYNOPSIS

The Merit System Board and the Chair of the Public Employment Relations Commission have issued a joint order consolidating an MSB appeal and a PERC unfair practice charge for hearing before an Administrative Law Judge and declaring that the Merit System Board has the predominant interest. After the ALJ issues a recommended decision, the Merit System Board will review the record to determine whether the employees' suspension was for legitimate disciplinary reasons and was warranted under Merit System law. The Commission will then determine whether the Employer-Employee Relations Act was violated.

This synopsis is not part of the joint order. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission or the Merit System Board.

On October 20, 1999, Administrative Law Judge (ALJ) Solomon A. Metzger signed a Consent Order where the parties agreed that the Board would have "exclusive jurisdiction over the matters."

Having independently evaluated the record and considered the ALJ's Order, the Board, at its meeting on November 23, 1999 and the Chair of the Public Employment Relations Commission, acting pursuant to authority delegated to her by the full Commission, on November 29, 1999 made the following determination in the matter.

JOINT ORDER

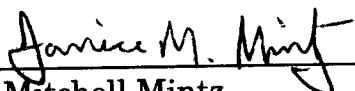
Based upon the Consent Order and a review of the record by both the Merit System Board and the Public Employment Relations Commission, it is ordered that the matter be disposed of in the following manner.

The above matters are consolidated for hearing before an ALJ. The Merit System Board has the predominant interest but not exclusive jurisdiction in the matter. The ALJ will first recommend findings of fact and conclusions of law to both the Merit System Board and the Public Employment Relations Commission, 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 Merit System Board to determine whether Fox's suspension was for legitimate disciplinary reasons and was otherwise warranted under Merit System law; and

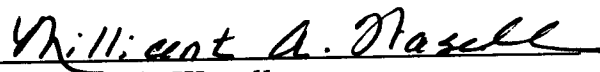
The Merit System Board's decision and the complete record will then be sent to the Public Employment Relations Commission to determine whether the New Jersey Employer-Employee Relations Act was violated.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
NOVEMBER 23, 1999



Janice Mitchell Mintz
Commissioner
Department of Personnel

DECISION RENDERED BY THE
CHAIR OF THE PUBLIC
EMPLOYMENT RELATIONS
COMMISSION ON NOVEMBER 29,
1999



Millicent A. Wasell
Chair
Public Employment Relations Commission

DATED: Trenton, New Jersey
November 23, 1999

DATED: Trenton, New Jersey
November 29, 1999