

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

In the Matter of

MIDDLESEX COUNTY SHERIFF

Respondent,

-and-

Docket No. CI-H-98-59

JOSEPH A. KASHA and STEVEN ECKEL,

Charging Parties.

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COUNTY OF MIDDLESEX,

Respondent,

v.

OAL Dkt. No. CSV 10229-98

STEVEN ECKEL,

Appellant.  
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SYNOPSIS

The Chair of the Public Employment Relations Commission in a joint decision with the Merit System Board consolidates for hearing an unfair practice charge filed by Joseph A. Kasha and Steven Eckel against the Middlesex County Sheriff and a Merit System Board appeal filed by Eckel against the County. The charge alleges that the employer violated the New Jersey Employer-Employee Relations Act by treating FOP members disparately. The appeal challenges a ten-day suspension imposed upon Eckel. The consolidated matter will be heard by a Hearing Examiner designated as a Special Administrative Law Judge. The record will first be reviewed by the Commission to determine whether the employer violated the Act, including whether it did so in suspending Eckel. If the Commission finds that the suspension violated the Act, the decision and record will be sent to the Merit System Board for imposition of whatever specialized relief is warranted under Merit System law. If the Commission finds that Eckel would have been disciplined even absent his FOP activity, the Merit System Board will determine whether the suspension was otherwise warranted under Merit System law.

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.

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Appearances:

For the Respondent, Purcell, Ries, Shannon, Mulcahy & O'Neill, attorneys (Kevin Kovacs, of counsel)

For the Charging Party-Appellant, Brian M. Cige, attorney

JOINT DECISION

Steven Eckel, president of FOP Lodge No. 59, and Joseph A. Kasha, an FOP State delegate, filed an unfair practice charge with the Public Employment Relations Commission against the Middlesex County Sheriff. The charge alleges that the public

employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., by treating FOP members disparately. Included among the alleged disparate illegal conduct is a ten-day suspension imposed upon Eckel, which is the subject of an appeal before the Merit System Board.

On March 17, 2000, the respondent moved to consolidate the two matters and for a determination that the Commission has the predominant interest. On April 14, the charging parties and the appellant filed a response. They did not disagree.

On May 9, 2000, Administrative Law Judge M. Kathleen Duncan issued an initial order granting the respondents' motion. No exceptions have been filed.

Having independently evaluated the record and considered the Administrative Law Judge's order, the Merit System Board at its meeting on June 20, 2000 and the Chair of the Public Employment Relations Commission, acting pursuant to authority delegated to her by the full Commission, on May 30, 2000 made the following determination in this matter.

#### JOINT ORDER

The above matters are consolidated for hearing before a Hearing Examiner of the Public Employment Relations Commission designated as a Special Administrative Law Judge. The Administrative Law Judge 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

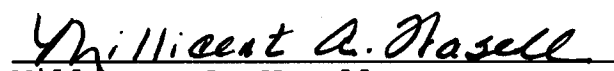
issues in controversy through a single initial decision under N.J.S.A. 1:1-18.3 and consistent with N.J.A.C. 1:1-17.8(a); and

Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Commission to determine whether the employer violated the Employer-Employee Relations Act, including whether it did so in suspending Eckel for ten days. If the Commission finds that the suspension violated the Act, the decision and complete record will be sent to the Merit System Board for imposition of whatever specialized relief is warranted under Merit System law. If the Commission determines that Eckel's would have been disciplined even absent his FOP activity, then its decision and the complete record will be sent to the Merit System Board which will determine whether Eckel's suspension was otherwise warranted under Merit System law.

DECISION RENDERED BY THE  
MERIT SYSTEM BOARD ON  
JUNE 20, 2000

  
Lewis A. Scheindlin  
Acting Commissioner

DECISION RENDERED BY THE CHAIR OF  
THE PUBLIC EMPLOYMENT RELATIONS  
COMMISSION ON MAY 30, 2000

  
Millicent A. Wasell  
Chair