

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

In the Matter of	:	
	:	
EDWARD WANZER,	:	
	:	
Appellant,	:	JOINT ORDER
	:	ON CONSOLIDATION AND
v.	:	PREDOMINANT INTEREST
	:	
CAMDEN COUNTY,	:	
	:	OAL Docket No. 10413-93
Respondent.	:	
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CAMDEN COUNTY,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket No. CO-H-94-58
	:	
CAMDEN COUNCIL NO. 10	:	
SUPERVISORY UNIT,	:	
	:	
Charging Party.	:	
	:	

SYNOPSIS

The Chairman of the Public Employment Relations Commission, in a joint order with the Commissioner of Personnel, finds that an unfair practice charge filed by Camden Council No. 10 Supervisory Unit against Camden County should be consolidated with an appeal to the Merit System Board filed by Edward Wanzer against Camden County. The predominant interest in the outcome of the consolidated matter rests with the Merit System Board. An Administrative Law Judge shall conduct a hearing and issue an Initial Decision, the Merit System Board has the authority to issue a final decision on the issues exclusive to it, and the Commission will decide the unfair practice charge, considering any remedy specific to its statutory and legal grant of authority. Two separate and final administrative decisions of each agency will be the end-disposition afforded under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 through N.J.A.C. 1:1-21.6.

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	:	
Charging Party.	:	
	:	

Appearances:

For Respondent, Murray, Murray & Corrigan, attorneys  
(David F. Corrigan, of counsel)

For the Appellant, Robert Gambell, attorney

For the Charging Party, Tomar, Simonoff, Adourian &  
O'Brian, P.C., attorneys (Mary L. Crangle, of counsel)

Edward Wanzer was laid off from his position as Affirmative  
Action Officer with the County of Camden. Wanzer filed a Notice of  
Appeal of Layoff or Demotion with the Merit System Board and the

matter was transmitted to the Office of Administrative Law for determination as a contested case. In addition, Camden Council No. 10 Supervisory Unit filed an unfair practice charge with the Public Employment Relations Commission alleging that the layoff was discriminatory and a violation of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

Administrative Law Judge Robert W. Scott issued a consent order consolidating these matters and designating the Merit System Board as having the predominant interest. The matter would first be considered by the Board and then by the Commission.

Having considered the record and the Administrative Law Judge's order, and having made an independent evaluation of the record, the Merit System Board at its meeting on October 18, 1994 and the Chairman of the Public Employment Relations Commission, acting pursuant to authority granted to him by the full Commission, on October 13, 1994, made the following determination in this matter.

ORDER

1. The above cases are hereby consolidated for hearing before an Administrative Law Judge;

2. The Administrative Law Judge will first offer recommended 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

3. Upon transmittal of the initial decision to both agencies, the underlying record will be forwarded to the Merit System Board only, as the agency with the predominant interest. The Merit System Board will render its final administrative decision on those issues exclusive to it. That decision and the complete record will be sent to the Commission. The Board will request an extension of time to allow adequate time for the Commission to deliberate; and

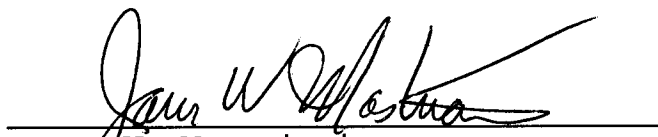
4. Upon receipt of the Merit System Board transmission, the Commission will decide the unfair practice charge, through its separate final administrative decision, considering any remedy specific to its statutory and legal grant of authority; and

5. Two separate, and final, administrative decisions of the Merit System Board and the Public Employment Relations Commission will be the end-disposition afforded under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 through N.J.A.C. 1:1-21.6.

DECISION RENDERED BY THE  
MERIT SYSTEM BOARD ON  
OCTOBER 18, 1994

DECISION RENDERED BY THE CHAIRMAN  
OF THE PUBLIC EMPLOYMENT RELATIONS  
COMMISSION ON OCTOBER 13, 1994

  
Linda M. Anselmini  
Commissioner

  
James W. Mastriani  
Chairman

DATED: Trenton, New Jersey  
October 18, 1994

DATED: Trenton, New Jersey  
October 13, 1994