

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY,

Public Employer,

-and-

Docket No. RO-94-113

COMMUNICATIONS WORKERS OF AMERICA,  
LOCAL 1037,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission denies the motion of Communications Workers of America, Local 1037 for leave to appeal a Hearing Officer's interlocutory ruling. That ruling granted in part and denied in part a motion of the State of New Jersey to adjourn three hearing dates set for November 15, 16 and 17, 1994. The Hearing Officer granted the motion to the extent that the State had requested that these hearing dates be postponed until December 19. He did so because on November 3, the Senate Judiciary Committee reported favorably a bill which the Assembly had already passed and which would moot the case altogether and because the State had indicated that the Senate was likely to consider the bill by December 19. The Hearing Officer, however, denied the motion to the extent that the State had also sought an indefinite postponement beyond that date. He also denied the motion to the extent that the State had asked that the hearing be postponed until alleged ethical questions concerning the Rules of Professional Conduct had been resolved by another forum. In denying CWA's motion, the Commission concludes that the Hearing Officer's ruling was well-explained and within his sound discretion.

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Appearances:

For the Public Employer, Deborah T. Poritz, Attorney General  
(Catherine M. Brown, Senior Deputy Attorney General)

For the Petitioner, Weissman & Mintz, attorneys  
(Steven P. Weissman, of counsel)

DECISION AND ORDER

Communications Workers of America, Local 1037 seeks leave to appeal a Hearing Officer's interlocutory ruling reflected in a November 10, 1994 letter to the parties. That ruling granted in part and denied in part a motion of the State of New Jersey to adjourn indefinitely three hearing dates set for November 15, 16 and 17, 1994.

The Hearing Officer granted the motion to the extent that the State had requested that these hearing dates be postponed until December 19. The Hearing Officer, however, denied the motion to the extent that the State had also sought an indefinite postponement. He postponed the hearing to December 19 because on November 3, the Senate Judiciary Committee reported favorably a bill which the

Assembly had already passed and which would moot this case altogether and because the State had stated that Senate action was likely by December 19. Rather than postpone the proceedings indefinitely, however, he rescheduled the hearing to begin on December 19 and to continue on December 20 and 22. The Hearing Officer also denied the motion to the extent that the State had asked that the hearing be postponed until alleged ethical questions concerning the Rules of Professional Conduct had been resolved by another forum. He noted that no such proceedings had been commenced.

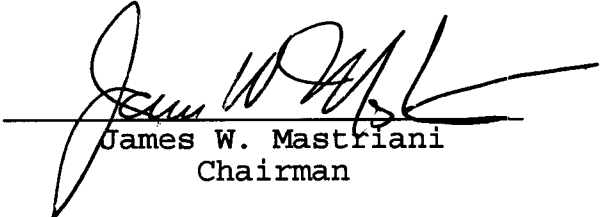
CWA seeks leave to appeal the part of the Hearing Officer's ruling postponing the beginning of the hearing until December 19. The State has filed a statement opposing this interlocutory appeal.

We have reviewed the Hearing Officer's letter ruling and the parties' submissions. The Hearing Officer's letter explains his ruling well and makes it clear to us that this ruling is within his sound discretion. We therefore deny CWA's appeal.

ORDER

The interlocutory appeal filed by CWA, Local 1037 is denied.

BY ORDER OF THE COMMISSION

  
James W. Mastriani  
Chairman

Chairman Mastriani, Commissioners Klagholz, Ricci and Wenzler voted in favor of this decision. Commissioner Smith voted against this decision. Commissioner Goetting abstained from consideration. Commissioner Bertolino was not present.

DATED: November 14, 1994  
Trenton, New Jersey