

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF OCEAN,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Docket Nos. CI-H-99-35
	:	CI-H-99-72
BONNIE SUE KROHN,	:	
	:	
Charging Party.	:	

COUNTY OF OCEAN,	:	
	:	
Respondent,	:	DOP Docket No. 1999-4423
	:	
-and-	:	OAL Docket No. CSV 4436-00
	:	
BONNIE SUE KROHN,	:	
	:	
Appellant.	:	

SYNOPSIS

The Public Employment Relations Commission dismisses a Complaint against the County of Ocean. The Complaint was based on unfair practice charges filed by Bonnie Sue Krohn alleging that the County violated the New Jersey Employer-Employee Relations Act by retaliating against Krohn for engaging in protected activity. Krohn also filed an appeal with the Merit System Board alleging that her resignation from the County was the result of duress and/or coercion by the employer. The Complaint and the Merit System Board appeal were consolidated for hearing before an Administrative Law Judge. The Judge recommended dismissing the Complaint. He also recommended rescission of Krohn's resignation and reinstatement to her former position. Neither party excepted to the dismissal of the Complaint and, accordingly, the Commission adopts the ALJ's factual considerations and legal conclusions that the County did not violate the Act.

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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	:	
Appellant.	:	

Appearances:

For the Respondent, Berry, Kagan, Sahradnik, Kotzas & Riordan, attorneys (Robert D. Budesa, of counsel)

For the Charging Party, Bonnie Sue Krohn, pro se

DECISION

On November 13, 1998, Bonnie Sue Krohn filed an unfair practice charge against the County of Ocean. On January 29, 1999, Krohn amended her charge. The charge, as amended, alleges that the employer violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically 5.4a(1) and (3), by

retaliating against Krohn for engaging in activity protected by the Act.

On May 3, 1999, Krohn filed another unfair practice charge against the employer. It alleges violations of N.J.S.A. 34:13A-5.4a(1) and (4) when the employer allegedly retaliated against Krohn for filing earlier unfair practice charges.

On October 26, 2000, a Consolidated Complaint and Notice of Hearing issued on the unfair practice charges.

On May 5, 1999, Krohn submitted a letter of resignation stating that as of May 19, 1999, she would no longer work for the County. By letter dated May 13, 1999, Krohn sought to rescind her resignation, but the employer refused to consent to her request. Krohn then appealed to the Merit System Board, claiming that her resignation was the result of duress and/or coercion by the employer. She claims that she was forced to submit her resignation as a result of constant displays of retaliation and reprisal because she filed grievances and complaints regarding improperly scheduled work assignments and denial of overtime pay.

On April 18, 2000, the Merit System Board ordered a hearing and transmitted the matter to the Office of Administrative Law for further proceedings to determine whether Krohn's allegations concerning the reasons for her resignation were valid and whether her resignation was the result of duress or coercion.

The Complaint and appeal were consolidated and heard by an Administrative Law Judge pursuant to a Joint Order of the Commission and the Board. See P.E.R.C. No. 2001-59, 27 NJPER 193 (132064 2001).

On October 3, 2001, the ALJ issued an initial decision recommending dismissal of the unfair practice Complaint. He also recommended rescission of Krohn's resignation and reinstatement to her former position. In accordance with the Joint Order, the consolidated matter first comes to us for review.

The parties were informed that they had 13 days to file exceptions. The County filed exceptions to the aspects of the Initial Decision that address the case before the Merit System Board. Krohn filed a response. Neither party has excepted to or addressed the dismissal of the Complaint.


We have reviewed the record. In the absence of exceptions concerning the unfair practice charge, we adopt and incorporate the ALJ's Factual Considerations and his legal conclusion that the County did not violate the New Jersey Employer-Employee Relations Act. Accordingly, we dismiss the Complaint.

Pursuant to the Joint Order, we transfer the remaining aspects of the case to the Merit System Board.

ORDER

The Unfair Practice Complaint is dismissed. The remaining aspects of the case are transferred to the Merit System Board.

BY ORDER OF THE COMMISSION


Millicent A. Wasell
Chair

Chair Wasell, Commissioners Buchanan, Madonna, McGlynn, Muscato, Ricci and Sandman voted in favor of this decision. None opposed.

DATED: November 29, 2001
Trenton, New Jersey
ISSUED: November 30, 2001