

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

In the Matter of	:	
	:	
MICHAEL A. DEPOMPEO,	:	
	:	
Appellant,	:	
	:	
-and-	:	OAL Dkt. No. CSV 9305-97N
	:	
TOWNSHIP OF TEANECK,	:	
	:	
Respondent,	:	
	:	
_____	:	
TOWNSHIP OF TEANECK,	:	
	:	
Respondent,	:	
	:	
-and-	:	PERC Dkt. No. CI-H-97-93
	:	
MICHAEL A. DEPOMPEO,	:	
	:	
Charging Party.	:	
_____	:	

SYNOPSIS

The Merit System Board and the Commission reaffirm an Order denying consolidation of an unfair practice charge and a Merit System Board appeal filed by Michael A. DePompeo. The MSB and the Commission grant the Township of Teaneck's motion for reconsideration, but conclude that the cases involve two distinct personnel actions and involve different questions of fact and law. Consolidation would not save time or expense and was appropriately denied.

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.

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Charging Party.	:	
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Appearances:

For the Respondent, Peckar & Abramson, attorneys (Gregory R. Begg, on the motion)

For the Petitioner-Charging Party, Warren & Tosi, attorneys (Lawrence G. Tosi, of counsel)

JOINT DECISION

On October 12, 1999, the Township of Teaneck moved for reconsideration of a Joint Decision and Order issued by the Merit System Board and the Chair of the Public Employment Relations Commission. By that decision, the two agencies adopted the recommendation of an Administrative Law Judge that an unfair

practice charge and a Merit System Board appeal filed by Michael A. DePompeo should not be consolidated.

In its motion, the Township explains that it never filed exceptions because it was never served with a copy of the Administrative Law Judge's Order. Under these circumstances, reconsideration of the Joint Decision and Order is appropriate so that the agencies can consider the Township's arguments.

The ALJ found that although the parties are identical, the issues are not and that consolidation would not improve the efficiency of justice. The Township argues that DePompeo's proofs in each case will focus on his alleged association with and support of former union president William Brennan and that the facts and legal issues of each case are intertwined.

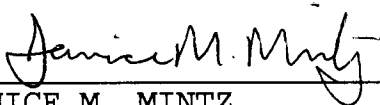
The unfair practice charge alleges that DePompeo's holiday picks were readjusted in retaliation for his protected activity. The Merit System Board appeal centers on DePompeo's performance during his working test period. The cases involve two distinct personnel actions and involve different questions of fact and law. Consolidation would not save time or expense and was appropriately denied. N.J.A.C. 1:1-17.3. Under these circumstances, we reaffirm the original Decision and Order.

JOINT ORDER


Reconsideration is granted. The original Order denying consolidation is reaffirmed.

DECISION RENDERED BY THE
MERIT SYSTEM BOARD ON
DECEMBER 7, 1999

DECISION RENDERED BY THE CHAIR
OF THE PUBLIC EMPLOYMENT
RELATIONS COMMISSION ON
NOVEMBER 22, 1999



JANICE M. MINTZ
COMMISSIONER



MILLICENT A. WASELL
CHAIR