

P.E.R.C. NO. 2001-2

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BURLINGTON COUNTY MOSQUITO  
EXTERMINATION COMMISSION,

Respondent,

-and-

Docket No. CO-H-96-22

COMMUNICATIONS WORKERS OF  
AMERICA, LOCAL 1044,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission dismisses allegations in a Complaint based on an unfair practice charge filed by the Communications Workers of America, Local 1044 against the Burlington County Mosquito Extermination Commission. The Commission had previously dismissed allegations in the Complaint concerning certain suspensions. However, because the CWA asked the Merit System Board to reopen the hearing concerning an employee's termination, the Commission did not dismiss the allegations concerning the termination. The Merit System Board determined the initial decision to be final and the record on the termination will not be reopened. Therefore, there is no basis for further review and the Commission dismisses the Complaint.

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, Capehart & Scatchard, attorneys  
(Craig D. Bailey, of counsel)

For the Charging Party, Weissman & Mintz, attorneys  
(Sharra E. Greer, of counsel)

DECISION

On February 26, 1999, the Public Employment Relations Commission issued an opinion finding that the 1994 and 1995 suspensions and the 1995 termination of Michael Muench by the Burlington County Mosquito Extermination Commission were not motivated by hostility towards any activity protected by the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. Burlington Cty. Mosquito Extermination Commission, P.E.R.C. No. 99-75, 25 NJPER 126 (¶30055 1999). The Commission therefore dismissed the allegations in a Complaint concerning Muench's suspensions (CO-H-95-169). We noted, however, that CWA had asked the Merit System Board to reopen the hearing concerning Muench's

termination and that the record might change and further review might be warranted if that request were granted. We therefore did not dismiss the allegations in that Complaint concerning Muench's termination (CO-H-96-22).

On June 6, 2000, the Merit System Board acknowledged that the initial decision of the Administrative Law Judge had been deemed adopted as a final decision pursuant to N.J.S.A. 52:14B-10. Thus, the record on the termination will not be reopened and there is no basis for further review of the termination. Accordingly, CO-H-96-22 is dismissed.

ORDER

The Complaint is dismissed.

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: July 20, 2000  
Trenton, New Jersey  
ISSUED: July 21, 2000