

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

In the Matters of

STATE OF NEW JERSEY,  
DEPARTMENT OF COMMUNITY AFFAIRS,

Respondent,

-and-

MAXIMO NINAL,

Appellant.

JOINT ORDER  
ON CONSOLIDATION AND  
PREDOMINANT INTEREST

DOP Docket No. 2002-622  
OAL Docket No. CSV 9344-01

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STATE OF NEW JERSEY  
(DEPARTMENT OF COMMUNITY AFFAIRS),

Respondent,

-and-

MAXIMO NINAL,

Charging Party.

Docket No. CI-H-2002-15

SYNOPSIS

The Chair of the Public Employment Relations Commission and the Merit System Board entered a joint order consolidating an unfair practice charge filed with the Commission and a disciplinary appeal filed with the Merit System Board. The consolidated case will be heard by an Administrative Law Judge. The Judge's Initial Decision and the record will be forwarded to the Commission first to determine whether Ninal engaged in activity protected by the New Jersey Employer-Employee Relations Act and whether that activity, if protected, was a substantial or motivating factor in his termination. The case will then be transferred to the Merit System Board to determine whether the termination was for legitimate business reasons and whether it was otherwise warranted under Merit System law. If necessary, the case will then be returned to the Commission for its consideration of whether specialized relief is warranted under 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.