



**STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

PO Box 429  
TRENTON, NEW JERSEY 08625-0429

ADMINISTRATION/LEGAL  
(609) 292-9830  
CONCILIATION/ARBITRATION  
(609) 292-9898  
UNFAIR PRACTICE/REPRESENTATION  
(609) 292-6780

*For Courier Delivery*  
495 WEST STATE STREET  
TRENTON, NEW JERSEY 08618  
FAX: (609) 777-0089

**December 14, 2000**

**M E M O R A N D U M**

TO: Commissioners

FROM: Bob Anderson

RE: Supplemental Report on Developments in the Counsel's Office Since  
November 30, 2000

**Commission Cases**

The Appellate Division has scheduled oral argument for January 9, 2001 in Middlesex County Sheriff's Officers FOP Lodge 59 and Steven Eckel and Public Employment Relations Commission, Cty. of Middlesex and Sheriff of Middlesex Cty., P.E.R.C. Dkt. No. AR-99-224, Chan. Div. Dkt. No. C-160. The issue is whether the Director of Arbitration properly declined an individual employee's request to have a grievance arbitrator appointed. Don Horowitz will argue the case.

An appeal has been filed in City of Gloucester City and FMBA Local No. 51, P.E.R.C. No. 2001-22, \_\_ NJPER \_\_ (¶ \_\_\_\_ 2000). The Commission restrained arbitration of a grievance contesting the employer's abolition of its Emergency Medical Technical title and the layoffs of three employees holding that title.

### **Other Cases**

The Appellate Division has dismissed a Complaint filed by the Communications Workers of America and former employees of the State's Division of Motor Vehicles against the State. CWA v. Whitman, \_\_\_ N.J. Super. \_\_\_ (App. Div. 2000). The Complaint had alleged that the former employees were denied employment in the private sector agencies that took over DMV functions because of their political affiliation or non-affiliation. The Court holds that these allegations are not actionable because the operators of the privatized agencies are not parties to the lawsuit and because the abolition of their positions was a necessary consequence of the privatization plan rather than an attempt to make room for party loyalists.