



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

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April 19, 2001

M E M O

TO: Commissioners
FROM: Bob Anderson
RE: Report on Developments in the Counsel's Office Since March 29, 2001

Commission Cases

The Appellate Division has affirmed the agency's denial of a request to intervene in representation elections. *Middletown Tp. and IUE Local 417 and OPEIU, Local 32*, P.E.R.C. No. 2000-47, 26 *NJPER* 59 (¶31020 2000), aff'd App. Div. Dkt. No. A-002771-99T2 (4/18/01). IUE Local 417 filed petitions seeking to represent nine negotiations units of employees of various employers. OPEIU Local 32 sought to intervene, asserting that it had merged with the units' previous majority representative, the Public Employees Service Union, Local 702. The agency denied intervention, finding that OPEIU Local 32 had taken none of the steps it could have taken to attempt to secure the official status of PESU Local 702 before its dissolution. Specifically, OPEIU did not secure official recognition from the employers, petition for an amendment of the certifications issued to PESU Local 702, or submit contracts naming it as the majority representative. Nor did OPEIU notify employees in the negotiations units that a merger was taking place or give them a chance to discuss or vote on the merger. The Court affirmed for the reasons stated by the Commission.

An appeal has been filed in *Amalgamated Transit Union, Local 880 and New Jersey Transit and Josephine Carroll*, P.E.R.C. No. 2001-48, *NJPER* (¶ 2000). The Commission dismissed a Complaint based on Carroll's unfair practice charge against her majority representative and her employer.

The appeal in Wyckoff Tp. and Wyckoff P.B.A. Local No. 261, P.E.R.C. No. 2000-106, 26 NJPER 308 (¶31125 2000), has been dismissed because the appellant did not prosecute the appeal.

Other Cases

Attached is a copy of a supplemental report on judicial developments since January 1, 2001. This report will be distributed at the PERC conference.