



STATE OF NEW JERSEY
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MEMORANDUM

TO: Commissioners
FROM: Bob Anderson
DATE: October 30, 2002
RE: **Supplemental Report on Developments in the Counsel's Office Since September 26, 2002**

Commission Cases

The Appellate Division has denied a motion for leave to appeal the interim relief order issued in Union Tp. and FMBA Local No. 46 and PBA Local 69, I.R. No. 2002-7, 28 NJPER 86 (¶33031 2001), recon. den. P.E.R.C. No. 2002-55, 28 NJPER 198 (¶33070 2002). The employer changed health insurance carriers, thereby resulting in a substantial change in the number of network providers and a possibility that out-of-network providers would require employees to pay the costs of care up front. The designee did not order the employer to rescind the change in carrier, but did order it to maintain a fund which employees could use to pay up-front costs of treatment and any additional costs that would have been covered under the previous insurance plan. The League of Municipalities and the Conference of Mayors filed amicus curiae briefs in support of the employer's motion for leave to appeal, but Judges Skillman and Lefelt issued a form order denying that motion.

Other Cases

The New Jersey Supreme Court has held that a six-year statute of limitations applies to employee claims for underpayment of wages required by the Prevailing Wage Act. Troise v. Extel Communications, Inc., __ N.J. __ (2002). The Court's per curiam opinion affirms the Appellate Division's judgment, substantially for the reasons expressed in Judge Skillman's opinion at 345 N.J. Super. 231 (App. Div. 2001).

REA/jm