



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

September 30 , 2004

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since August 12, 2004

Commission Cases

The union has appealed the Commission's decision in City of Newark and Newark Firefighters Union, P.E.R.C. No. 2005-2, ___ NJPER ___ (¶___ 2004). The Commission restrained arbitration of five grievances contesting transfers and reassignments of firefighters.

The New Jersey Supreme Court has denied the petition for certification in Franklin Tp. Bd. of Ed. v. Franklin Tp. Ed. Ass'n, P.E.R.C. No. 2003-58, 29 NJPER 97 (¶27 2003), aff'd 30 NJPER 201 (¶75 App. Div. 2004), App. Div. Dkt. No. A-004242-02T3 (6/10/04). The Commission declined to restrain binding arbitration of a grievance asserting that the school board violated the compensation provision of an emergency class coverage clause when it required a special education teacher to teach a combined class of third and fifth grade students without receiving extra pay. The Court agreed with the Commission that this compensation dispute was within the scope of negotiations.

Other Cases

The Superior Court of Mercer County has dismissed portions of a Complaint in which a Superior Court Judge alleged that she was discriminated against because of her gender and her complaint about gender discrimination when she was transferred from the Civil Division to the Criminal Division. Schott v. State of New Jersey, L-1157-03 (8/16/04). The Court determined

that the Judge's lateral transfer was not an adverse employment action under the New Jersey Law Against Discrimination. since there was no accompanying demotion in rank, reduction in pay or benefits, or loss of prestige or opportunity of advancement.

The Bound Brook Board of Education has voluntarily dismissed its Complaint in Bound Brook Bd. of Ed. v. Bound Brook Ed. Ass'n and PERC, Dkt. No. C-12065-04. The Board sought a restraint of arbitration of a grievance filed by the Association.

REA:aat