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March 30, 2006

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since February 23, 2006

Commission Cases

On April 4, an Appellate Division panel will hear oral argument in Lenape Regional H.S. Dist. Bd. of Ed v. Lenape Dist. Support Staff Ass'n, App. Div. Dkt. No. A-005095-04T1. The lower court restrained binding arbitration of a grievance asserting that a school board did not have just cause not to renew a custodian's employment contract. The trial court initially held that the grievance was contractually arbitrable, but reversed itself after Camden Bd. of Ed. v. Alexander, 181 N.J. 187 (2004) was decided. One of the issues to be argued is whether the new law concerning the presumption of contractual arbitrability applies to this dispute where the contract was negotiated before Camden but the new law was enacted after the grievance arose.

REA:aat