



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

PO Box 429
TRENTON, NEW JERSEY 08625-0429

www.state.nj.us/perc

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
EMAIL: mail@perc.state.nj.us

December 7, 2006

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Monthly Report on Developments in the Counsel's Office Since November 21, 2006

Commission Cases

_____ An appeal has been filed in Somerset Cty. Sheriff's Office and Somerset Cty. Sheriff's FOP Lodge No. 39, P.E.R.C. No. 2007-33, ___ NJPER ___ (¶___ 2006). The Commission affirmed an interest arbitration award. The Sheriff's office is seeking a stay of the award pending its appeal.

Other Cases

The New Jersey Supreme has denied certification in ATU Local 880 v. NJ Transit Bus Operators, Inc., 385 N.J. Super. 298 (App. Div. 2006), certif. den. 188 N.J. 352 (2006). The Appellate Division held that an employer could deduct state and federal withholding taxes from back pay obligations ordered by grievance arbitration awards.

In Garzella v. Borough of Dunmore, ___ F.Supp.2d ___ (M.D. PA 2006), 37 Pennsylvania Public Employee Reporter (PPER) 388 (¶116 2006), the Court held that the impartial chairperson of an interest arbitration panel could not be compelled to testify in a police officer's suit against

his union and his employer. The Court held that the arbitrator was entitled to judicial immunity and that there was no distinction between a grievance arbitrator and an interest arbitrator for immunity purposes.

REA:aat