



STATE OF NEW JERSEY  
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May 25, 2006

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson  
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since April 27, 2006

Commission Cases

The Appellate Division has administratively dismissed the appeal in Cherry Hill etc. The parties apparently settled their dispute so the Board did not file a brief.

Other Cases

In Re Puglisi, \_\_\_ N.J. \_\_\_ (2006), affirmed a decision of the PFRS Board of Trustees holding that a lieutenant's promotion to captain and consequent salary increase was made primarily in anticipation of his retirement and thus could not be included in his pension calculations. The promotion was made as part of an agreement settling a political discrimination lawsuit by promoting the officer to captain for a one-year terminal leave.

In Olivieri v. Y.M. F. Carpet, Inc., \_\_\_ N.J. \_\_\_ (2006), the Supreme Court declined in a CEPA lawsuit to give collateral estoppel effect to a successful application for unemployment compensation benefits. In the CEPA action, the employer asserted that the employee quit her employment, a position rejected in the unemployment compensation proceedings. The Court concluded that the quality and extensiveness of the procedures followed in the informal

proceedings before the unemployment hearing examiner did not warrant preclusive effect.

In Borough of Glassboro v. FOP Lodge No. 108, App. Div. Dkt. No. A-6653-04T3 (5/10/06), an Appellate Division panel vacated an arbitration award holding that a corporal in the patrol division was entitled to be “promoted” to the position of detective corporal in the detention division. The Court held that the arbitrator’s decision was contrary to law and public policy because it interfered with the chief’s prerogative of making assignments in accordance with operational needs. The Court noted that the police officer had never served as a detective and thus reasoned that his appointment as a detective corporal would not be a true “promotion” within the detective division. The Court concluded that the contract did not restrict the police chief’s assignment powers, including the decision to keep the officer in the patrol division.

REA:aat