



**STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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April 18, 2007

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Monthly Report on Developments in the Counsel's Office Since March 29, 2007

Commission Cases

The employer has withdrawn its appeal in Evesham Municipal Utilities Auth. and Teamsters Local Union No. 676, P.E.R.C. No. 2006-78, 32 NJPER 120 (¶56 2006) because the parties reached a settlement. The Commission had held that a proposal concerning retiree health benefits was mandatorily negotiable.

The appeal in Bridgewater Tp. and Bridgewater Tp. PBA Loc. 174, P.E.R.C. No. 2006-62, 32 NJPER 46 (¶24 2006), appeal pending, App. Div. Dkt. No. A-3342-05T3, was submitted to the Appellate Division on March 21. The Commission had held that the Township committed an unfair practice when it unilaterally ended a practice of allowing police officers and superior officers to take terminal leaves based on accumulated sick days.

Judge Ciccone has reinstated an order requiring Somerset County to show cause why an interest arbitration award should not be immediately implemented. Somerset Cty. Sheriff's Office and Somerset Cty. Sheriff FOP, Lodge No. 39, P.E.R.C. No. 2007-33, 32 NJPER 372 (¶156 2006), appeal pending, App. Div. Dkt. No. A-1899-06T3. The return date on the order is on April 27. The Commission has intervened to support enforcement of the award as required by N.J.S.A. 34:13A-16f(5) (interest arbitration awards affirmed by the Commission must be implemented within 14 days absent a stay).

In Kibler v. Roxbury Tp., 2007 N.J. Super. LEXIS 105 (App. Div. 2007), an Appellate Division panel held that the workers' compensation law provided the exclusive remedy for a teacher who was accidentally injured during a fight between two students. The Court rejected plaintiff's argument that the "intentional wrong" exception applied since one of two students had such a bad disciplinary record that he should have been expelled before he hurt someone.

REA:aat