



**STATE OF NEW JERSEY
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June 23, 2010

MEMORANDUM

TO: Commissioners

FROM: Ira W. Mintz
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since May 26, 2010

Other Cases

In New Jersey Law Enforcement Supervisors Ass'n v. State of New Jersey, ___ N.J. Super. ___ (App. Div. 2010) (6/21/10), the Appellate Division held that the police and firefighters paid convention leave statute, N.J.S.A. 11A:6-10, is not unconstitutional as special legislation or because it violated the equal protection rights of members of employee organizations not affiliated with the unions designated in the statute.

In New Process Steel, L.P., v. NLRB, ___ U.S. ___ (2010) (6/17/10), the United States Supreme Court held that following a delegation of the five-member NLRB's powers to a three-member group, two members could not continue to exercise Board authority once the group's and the Board's membership fell to two. Almost 600 cases were decided by two Board members from January 1, 2008 until March 27, 2010, when President Obama made two recess appointments to the Board, returning the membership level to four.