



**STATE OF NEW JERSEY
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November 23, 2010

MEMORANDUM

TO: Commissioners

FROM: Ira W. Mintz
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since October 28, 2010

Commission Cases

The Borough of Belmar has appealed from P.E.R.C. No. 2011-34, NJPER __ (¶__ 2010). In that decision, the Commission held that the temporary layoff of employees in a Civil Service jurisdiction is generally mandatorily negotiable and that Civil Service regulations do not preempt negotiations. The Commission deferred the unfair practice charge filed by the Communications Workers of America, AFL-CIO to binding arbitration. The Commission distinguished State of New Jersey (DOP), P.E.R.C. No. 92-65, 18 NJPER 50 (¶23021 1991), which had held that under the particular facts of that case, the State had a managerial prerogative to implement temporary layoffs.

Other Cases

In Racanelli v. Passaic Cty., N.J. Super. __ (App. Div. 2010) (11/10/10), the Appellate Division held that a plaintiff was not barred from pursuing his CEPA whistle blowing claim in the Law Division merely because he did not take a timely appeal of the Civil Service Commission decision upholding his layoff.