



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

**PO Box 429
TRENTON, NEW JERSEY 08625-0429**

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

June 29, 2000

MEMORANDUM

To: Commissioners

From: Bob Anderson
General Counsel

Re: Supplemental Report on Developments in the Counsel's Office Since May 25, 2000

An Appellate Division panel has dismissed a complaint by a labor union seeking to represent Seton Hall faculty. *Seton Hall Univ. Faculty Ass'n/NJEA v. Seton Hall Univ.*, App. Div. Dkt. No. A-5271-98T3 (6/8/00). In 1982, the NLRB dismissed a petition seeking to represent the faculty because it found that they were managerial employees under *NLRB v. Yeshiva Univ.*, 444 U.S. 672 (1980). An NJEA affiliate then filed this lawsuit, asserting that Article I, ¶19 of the New Jersey Constitution entitles the faculty to organize. The Court holds, however, that the NLRB decision preempts the exercise of State jurisdiction; to allow bargaining under the constitution would violate the basic premise of national labor policy, namely, preservation of the distinction between labor and management.