



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

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April 25, 2002

MEMORANDUM

TO: Commissioners

FROM: Bob Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since March 27, 2002

Commission Cases

In a case involving the State of New Jersey (Division of State Police) and State Troopers Fraternal Ass'n, a Commission designee issued an order to show cause in an interim relief proceeding but denied the STFA's request for a temporary restraining order until the interim relief hearing was held. The proposed TRO would have required the State to allow STFA representation for all witnesses during investigatory interviews. The STFA appealed the denial of the TRO to the Appellate Division and asked Judge Parrillo to grant emergency relief. Judge Parrillo denied that application. The STFA then sought Supreme Court review. Justice Long denied that request. The interim relief hearing will be held on May 9.

Oral argument has been scheduled for May 15 in N.J. Transit Bus Operations, Inc. and Amalgamated Transit Union, Local 880 and Josephine Carroll, P.E.R.C. No. 2001-48, 27 NJPER 128 (¶32048 2001). The Commission held that the ATU did not violate its duty of fair representation to a former NJT employee claiming a right to be reinstated after she was acquitted of criminal charges.

Other Cases

Judge Harris of the Bergen County Superior Court has affirmed a decision issued by the Employment Relations Panel of the New Jersey and New York Port Authority. The Panel dismissed an unfair labor practice charge alleging that the Authority was required to negotiate before shifting certain work to non-unit employees. The Panel concluded that the Authority had a contractual right to do so. This is the first panel decision to be reviewed by the New Jersey court on the merits. Pursuant to the Labor Relations Instruction governing Port Authority employees, our office represented the Panel. Don Horowitz argued the case.

REA:aat