



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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September 26, 2002

MEMORANDUM

TO: Commissioners

FROM: Bob Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since July 25, 2002

Commission Cases

An Appellate Division panel has affirmed the Commission's decision in Tinton Falls Bd. of Ed. and Tinton Falls Ed. Ass'n, P.E.R.C. 2001-78, 27 NJPER 293 (¶32107 2001), App. Div. Dkt. No. A-6458-00T2 (copy attached). The Commission dismissed an unfair practice charge asserting that the Board terminated a library aide for grieving a reprimand. Don Horowitz represented the Commission.

The Appellate Division has denied a motion for a stay of its remand order in Teaneck Tp. and FMBA Local No. 42, P.E.R.C. No. 2000-33, 25 NJPER 450 (¶30199 1999), aff'd in part, rev'd and remanded in part, 353 N.J. Super. 289 (App. Div. 2002), App. Div. Dkt. No. A-001850-99T1 (7/16/02), pet. for certif. pending, Sup. Ct. Dkt. No. 53,497. The Commission had already remanded the case to the arbitrator. A petition for certification is pending in the Supreme Court.

The Board has moved for leave to file a notice of appeal nunc pro tunc in Gwendolyn Smith and Irvington Board of Education, P.E.R.C. No. 2003-5, __ NJPER __ (¶_____ 2002). The Commission held that the Board repudiated a settlement agreement in certain respects.

The employer has moved for leave to appeal from a designee's decision in Union Tp. and FMBA Local No. 46, FMBA Local No. 246 and PBA Local No. 69, I.R. No. 2002-7, 28 NJPER 86 (¶33031 2001), recon. den. P.E.R.C. No. 2002-55, 28 NJPER 198 (¶33070 2002), app. pending App. Div. Dkt. No. A-4249-01T1. The designee found that a change in health insurance carriers had resulted in a change in the level of benefits. She ordered the employer, during the unfair practice litigation, to make funds available to employees to pay any up-front costs of medical care and any additional costs of medical treatment that would have been covered under the previous insurance plan.

REA:aat
Attachment