



STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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December 18, 2003

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson  
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since  
November 17, 2003

Commission Cases

\_\_\_\_\_The Association has appealed the Commission's decision in North Hudson Regional Fire and Rescue and North Hudson Firefighters Ass'n, P.E.R.C. No. 2004-17, 29 NJPER \_\_\_\_ (¶\_\_\_\_ 2003). The Commission's decision affirmed an interest arbitration award setting the terms and conditions of employment for the initial contract covering the Regional's firefighters. The Regional replaced five fire departments with separate negotiations units.

\_\_\_\_\_The Appellate Division has denied a motion to dismiss the Board's appeal in Irvington Bd. of Ed. and Irvington Ed. Ass'n, P.E.R.C. No. 2003-83, 29 NJPER 218 (¶65 2003), app. pend., App. Div. Dkt. No. A-005244-02T3, for failure to file a brief on time. The Court set a preemptory date for the brief to be filed.

Other Cases

In In Re Juvenile Detention Officer Union Cty., 2003 N.J.Super. LEXIS \_\_\_\_ (App. Div. 2003), the Appellate Division affirmed a Merit System Board decision granting eight bona fide occupational qualification designations for male-only juvenile detention officer positions. The Court held that having males only in the eight positions was necessary to protect the privacy rights of juvenile male detainees. The juvenile detention officers were required to maintain constant visual contact with the detainees, even when they were showering, changing clothes, or using the toilet, and to perform intimate searches of all detainees daily. The MSB found that no reasonable accommodations could be made to eliminate the need for the exemptions.