



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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October 21 , 2004

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Monthly Report on Developments in the Counsel's Office Since September 30,
2004

Commission Cases

In Hunterdon Cty. and CWA Local 1034, 369 N.J. Super. 572 (App. Div. 2004), an Appellate Division panel upheld the constitutionality of the 2002 amendment to N.J.S.A. 34:13A-5.5 permitting majority representatives to receive representation fees absent a negotiated agreement. Receipt of fees is conditioned upon more than 50% of negotiations unit employees being members of the majority representative and upon the representative having a valid demand-and-return system. The New Jersey Supreme Court has denied certification to review that decision.

Other Cases

In Tri-Borough Communications Employees Ass'n v. Montvale Bor., Dkt. No. BER-C-101-04 (6/25/04), Judge Doyne dismissed a Complaint in which a majority representative of emergency dispatchers had asked the Court to compel the employer to submit to interest arbitration. The Court held that the dispatchers had no statutory right to invoke interest arbitration and the Court had no equitable power to order it. The Court noted that the plaintiff had filed an unfair practice charge alleging a refusal to negotiate in good faith and the Commission had exclusive jurisdiction to entertain that issue and to issue any appropriate remedy. The Court also denied a motion for reconsideration based on a new contention that the dispatchers perform "police services" under N.J.S.A. 34:13A-14. I understand that the plaintiff has appealed the dismissal of its Complaint.

REA:aat