



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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November 23 , 2004

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since October 28, 2004

Commission Cases

The Appellate Division has scheduled oral argument for December 15 in Waldwick Bd. of Ed. and Waldwick Ed. Ass'n, P.E.R.C. No. 2004-61, 30 NJPER 104 (¶41 2004), app. pending, App. Div. Dkt. No. A-004477-03T5. The Commission held that a successor contract proposal presented by the Association was not mandatorily negotiable. That proposal would have required the Board to grant extended paid sick leave to all employees who are absent due to a catastrophic illness and who have exhausted their annual and accumulated leave.

The employer has filed an appeal in Warren Hills Reg. Bd. of Ed. and Warren Hills Reg. H.S. Ed. Ass'n, P.E.R.C. No. 2005-26, 30 NJPER 298 (¶105 2004). The Commission held that the Board violated N.J.S.A. 34:13A-5.4a(5) when it subcontracted the work of its bus drivers to avoid negotiations with their newly elected majority representative.

Other Cases

_____ In Bumbaca v. Edison Tp., App. Div. Dkt. No. A-6279-02T3 (11/19/04), an Appellate Division panel held that New Jersey's Law Against Discrimination does not prohibit discrimination in employment conditions based on nepotism. The Court thus upheld summary judgment against a volunteer firefighter who claimed that a practice of hiring relatives kept him from being hired as a paid firefighter.

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