



STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION

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December 14, 2006

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Supplemental Report on Developments in the Counsel's Office Since November 21, 2006

Commission Cases

The employer has appealed the Commission's decision in Somerset Cty. Sheriff's Office and Somerset Cty. Sheriff FOP, Lodge No. 39, P.E.R.C. No. 2007-33, ___ NJPER ___ (¶___ 2006), App. Div. Dkt. No. A-1899-06T3. The Commission affirmed an interest arbitration award. The Chairman denied the employer's request for a stay pending appeal.

An appeal has been filed in Berkeley Tp. and Berkeley Tp. Police SOA, P.E.R.C. No. 2007-25, ___ NJPER ___ (¶___ 2006). The Commission held that N.J.A.C. 17:9-5.3(b) preempted negotiations over the Township's proposal to include premium sharing for dependent coverage of health insurance provided through the State Health Benefits Program.

An appeal has been filed in City of Newark and Service Employees Int. Union, Local 617, P.E.R.C. No. 2007-24, ___ NJPER ___ (¶___ 2006). The Commission declined to restrain arbitration over a grievance contesting the employer's decisions to end a provisional employee's longevity payments and to seek to recoup previous payments.

Other Cases

In In re Referendum Petition to Repeal Ordinance 04-75, 388 N.J. Super. 405 (App. Div. 2006), the Court held that an ordinance reorganizing the police department of the City of Trenton was subject to approval or disapproval by referendum. The ordinance created a table of organization eliminating the position of deputy chief and also specified lines of authority and set the number of officers within each rank. The ordinance was considered a legislative act under the Faulkner Act rather than an executive or administrative act and was thus subject to citizen review.

REA:aat