



**STATE OF NEW JERSEY
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January 16, 2008

MEMORANDUM

TO: Commissioners

FROM: Robert E. Anderson
General Counsel

SUBJECT: Monthly Report on Developments in the Counsel's Office Since December 20, 2007

Commission Cases

An appeal has been filed in Greater Egg Harbor Reg. H.S. Bd. of Ed. and Oakcrest-Absegami Teachers Ass'n, P.E.R.C. No. 2008-29, ___ NJPER ___ (¶ 2007). The Commission declined to restrain arbitration of a grievance contesting the assignment of teachers in the high school to atrium duty. The assignment involved the non-teaching duty of providing substitute coverage for the visitors' sign-in desk when security guards are absent.

The appeal in State of New Jersey (Dept. of Corrections) and PBA Local 105, P.E.R.C. No. 2007-041, 33 NJPER 116 (¶ 41 2007), App. Div. Dkt. No. A-004843-06T3 will be submitted to an Appellate Division panel on February 27. The Commission restrained arbitration of a grievance seeking compensatory time off for corrections officers who worked during the shutdown of State government in July 2006; the Commission held that a Merit System Board regulation preempted the PBA's claim.

Other Cases

The New Jersey Supreme Court will hold oral argument on February 4 or 5 in I/M/O The Alleged Improper Practice Under Section XI, Paragraph A(d) of the Port Authority Labor Relations Instruction; IP 97-28, Final Decision and Order of the Port Authority Employment Relations Panel; Port Authority of New York and New Jersey v. Port Authority Employment Relations Panel. The Port Authority Employment Relations Panel held that the Authority committed an improper practice when it transferred traffic control and security work performed by its police officers to civilian employees employed by a subcontractor. The Appellate Division affirmed this ruling, App. Div. Dkt. No. A-3134-04T2 and the Supreme Court then granted certification. The Office of the General Counsel represents the Panel in appellate proceedings in New Jersey.

A new law authorizes school boards and majority representatives to negotiate agreements creating sick leave banks. S548. Such banks would allow board employees to donate their unused sick leave days for use by other employees who need additional sick time. Banks must be administered by a committee of three members selected by the board and three members selected by the majority representative. The committee may establish standards and procedures for operating a bank and no sick leave may be withdrawn from the bank unless authorized by the committee.

REA:aat