



**STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

PO Box 429  
TRENTON, NEW JERSEY 08625-0429

[www.state.nj.us/perc](http://www.state.nj.us/perc)

ADMINISTRATION/LEGAL  
(609) 292-9830  
CONCILIATION/ARBITRATION  
(609) 292-9898  
UNFAIR PRACTICE/REPRESENTATION  
(609) 292-6780

*For Courier Delivery*  
495 WEST STATE STREET  
TRENTON, NEW JERSEY 08618

FAX: (609) 777-0089  
EMAIL: [mail@perc.state.nj.us](mailto:mail@perc.state.nj.us)

December 10, 2008

**MEMORANDUM**

**TO:** Commissioners

**FROM:** Ira W. Mintz  
General Counsel

**SUBJECT:** Monthly Report on Developments in the Counsel's Office Since November 25, 2008

**Commission Cases**

\_\_\_\_\_ The City of Camden has filed a Complaint and Order to Show Cause in the Superior Court seeking to enjoin the Commission from processing an unfair practice charge filed by Camden Council 10. The charge alleges that the City violated the Act by refusing to negotiate regarding notification and procedures to be used in lieu of Civil Service procedures in connection with impending layoffs, and by refusing to provide requested information to carry out the union's representational function. The City alleges in its Complaint that the Municipal Rehabilitation Economic Recovery Act ("MRERA") deprives the Commission of jurisdiction to determine whether the City is required to comply with Civil Service layoff provisions and whether the City failed to provide the union with requested documents and information.

**Other Cases**

In Eddy v. State of New Jersey and New Jersey State Police, App. Div. Dkt. No. A-3129-07T1 (12/8/08), the Appellate Division affirmed the dismissal of a CEPA claim made by a State Police sergeant who had asserted on several occasions that efforts to reduce overtime were endangering the safety of the public and the Troopers. Among the statutes cited by Eddy to establish that his claim was a matter of public interest is a portion of the New Jersey Employer-

Employee Relations Act, N.J.S.A. 34:13A-14. The decision applies precedent holding that CEPA was not intended to address "internal disputes at the workplace."

On December 1, the United States Supreme Court heard conflicting arguments on the enforceability of an arbitration provision in a collective bargaining agreement that specifically waives unit employees' right to take statutory discrimination claims to court (14 Penn Plaza LLC v. Pyett, Supreme Court Dkt. No. 07-581).