



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

**PO Box 429
TRENTON, NEW JERSEY 08625-0429**

www.nj.gov/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.nj.gov**

DATE: September 16, 2026

TO: Commissioners

FROM: Counsel Staff

SUBJECT: Developments in Counsel's Office since August 27, 2026

Commission Cases

Appeals from Commission Decisions

No new appeals were filed since June 25.

Commission Court Decisions

No new Commission court decisions were issued since August 27.

Rutgers, the State University of New Jersey, withdrew its Notice of Petition for Certification seeking the New Jersey Supreme Court's review of a decision of the Appellate Division of the Superior Court, In re Rutgers, 2026 N.J. Super. Unpub. LEXIS 1350 (App. Div. 2026) (App. Div. Dkt. No. A-2430-24). As detailed in the last General Counsel's Report, the Appellate Division affirmed the Commission's decision, P.E.R.C. No. 2025-29, 51 NJPER 287 (¶65 2025), which denied Rutgers' request for a restraint of binding arbitration of Teamsters Local 97's grievance contesting the termination of a unit employee after she allegedly failed to comply with Rutgers' seasonal flu vaccination requirement. Beyond filing notice on July 14, 2026, Rutgers did

not perfect its Petition for Certification. This resulted in a delinquency letter from the Supreme Court on August 25. Rutgers filed a letter of withdrawal the next day.

Non-Commission Court Decisions
Related to the Commission's Jurisdiction

Affirming CSC, Appellate Division finds swearing-in ceremony not needed to perfect promotional appointments and CSC also properly revived a promotional list to effectuate a settlement agreement

IMO Mendoza and Hudson County, 2026 N.J. Super. Unpub. LEXIS 1842 (App. Div. 2026) (App. Div. Dkt. No. A-2053-24)

The Appellate Division of the Superior Court, in an unpublished opinion, affirms the final agency action of the Civil Service Commission (CSC) which denied Juan Mendoza's appeal challenging promotional appointments within the Hudson County Sheriff's Office. Mendoza argued that three appointments were improper where two Sheriff's officers were not sworn in until after the promotional list expired, and the third was made from a list that was temporarily revived to effectuate a settlement agreement between that officer and the Department. The Appellate Division affirmed the CSC, finding the first two appointments were not made from an expired list and that a swearing-in ceremony is not the effective date of promotion. The Appellate Division also affirmed the CSC's use of its discretion to revive an expired list to effectuate a settlement agreement, as public policy favors settlement. Additionally, Mendoza was ranked 36 out of 42 on the eligibility list and would not have been eligible for promotion even if all three promotions were invalid.

Third Circuit affirms dismissal of LMRDA and DFR claims against labor union because it had no authority in employment decisions and affirms dismissal of age discrimination claims against both union and employers

McLaughlin v. IBT Local 249, et al., 2026 U.S. App, LEXIS 24046 (3d. Cir. 2026) (Dkt. No. 25-1613)

The Third Circuit Court of Appeals, in a non-precedential opinion, affirms the District Court's partial dismissal of claims by Timothy McLaughlin, a driver on movie and television productions, against his former labor union, IBT Local 249, and employers, Tristar Pictures and CBS Studios, for allegedly blacklisting him from employment due to age discrimination. Nine counts of his complaint were subject to the appeal, including retaliation under the Labor Management Reporting and Disclosure Act (LMRDA) and a breach of the duty of fair representation (DFR)

against IBT Local 249, and various allegations of age discrimination under both federal and Pennsylvania law against all defendants. The Third Circuit affirmed the dismissal orders, finding McLaughlin failed to assert sufficient facts that IBT Local 249 had any control regarding his hiring and employment. It also affirmed the dismissal of his claims against the employers, finding that McLaughlin's age being greater than the average age of a driver was not enough to support the claims of age discrimination.