

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
August 9, 2007
10:00 a.m.
495 West State Street
Trenton, New Jersey

The meeting was called to order by Chairman Lawrence Henderson.

Present were:

Chairman: Lawrence Henderson

Commissioners:
Donald J. Buchanan
Peter J. DiNardo
Cheryl G. Fuller
Matthew U. Watkins

Also present were:
Don Horowitz, Deputy General Counsel
Ira Mintz, Special Assistant to the Chairman
Geraldine Stefani, who acted as Stenographer

At the commencement of the meeting, the Chairman, pursuant to section 5 of the Open Public Meetings Act, entered this announcement into the minutes of the meeting:

Adequate notice has been provided by the dissemination of a written "Annual Notice of Meeting."
On December 15, 2006 a copy of such notice was:

(a) prominently posted in a public place at the offices of the Public Employment Relations Commission;

(b) mailed to the business offices of the Trenton Times, the Bergen Record, and the Camden Courier Post, as well as to the State House press room addresses of 25 media outlets; and

(c) mailed to the Secretary of State for filing.

Furthermore on August 2, 2007, copies of an additional written "Notice of Meeting" were posted and mailed in a similar manner.

Chairman Henderson called the meeting to order. The first item for consideration was the minutes of the May 31, 2007 meeting. A motion to adopt the minutes was made by Commissioner Fuller and seconded by Commissioner Watkins. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

Don Horowitz, Deputy General Counsel, distributed the monthly and supplemental reports. He reported on five recent Appellate Divisions cases, one reversal and four affirmances. Commissioner Fuller asked Mr. Horowitz to elaborate on the Bridgewater terminal leave case and how this holding might affect future cases.

The first case for consideration was Shore Regional Board of Education and Shore Regional Education Association and Linda Conway, Docket No. CO-2005-098. Commissioner Watkins moved the draft decision and Commission DiNardo seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next case for consideration was Township of Maplewood and PBA Local 44, Docket No. CU-2006-026. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next case for consideration was Borough of Leonia and Leonia PBA Local No. 381, Docket No. CO-2006-211. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo and Fuller).

The next case for consideration was Borough of Bernardsville and PBA Local 365, Docket No. CO-2004-253. Commissioner Fuller moved the draft decision and Commissioner DiNardo seconded the motion. Commissioner Watkins recused himself because the employer's attorney works with him in connection with his employment as Administrator of South Brunswick Township. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo and Fuller).

The next case for consideration was Borough of Palmyra and Palmyra Police Association, Affiliated With FOP Lodge 2, Docket No. CO-2006-301. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. Commissioner Watkins questioned whether any person could bind a governing body to ratification of a contract during the negotiations. Mr. Mintz stated that the PERC Act authorizes public employers to act through their representatives and that many cases during the 1970's held so. However, this case says that we will also look at the parties history of ratification. The motion was

unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next case for consideration was State of New Jersey Judiciary and Probation Association of New Jersey, Case-Related Professionals Unit, Docket No. CO-2007-065. Commissioner Fuller moved the draft decision and Commissioner DiNardo seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, DiNardo and Watkins).

The next case for consideration was Borough of Ringwood and Ringwood PBA Local 247, Docket No. IA-2005-082. Commissioner Watkins moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next case for consideration was Township of Berkeley and Berkeley Township Police S.O.A., Docket No. SN-2007-007. Commissioner Fuller moved the draft decision and Commissioner DiNardo seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next case for consideration was County of Passaic and C.W.A. Local 1032, Docket No. SN-2007-056. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next case for consideration was Mercer County and Mercer County Sheriff's Office and Mercer County Sheriff's Officers, P.B.A. Local No. 187, Docket No. SN-2007-059. Commissioner Watkins moved the draft decision and Commissioner DiNardo seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The last case for consideration was Township of Livingston and P.B.A. Local 263, Docket No. SN-2007-064. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. Commissioner Buchanan stated that he believed that there had been an Appellate Division case where the Court disallowed calling employees at home. Chairman Henderson stated that this case does not set any new law. Mr. Mintz stated that employers have a prerogative to verify illness and that there is longstanding case law. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, DiNardo, Fuller and Watkins).

The next matter for consideration was the appointment of two arbitrators to the Special Panel of Interest Arbitration. Commissioner Watkins made a motion to go into Executive Session and Commissioner Fuller seconded the motion. The motion was unanimously approved. Chairman Henderson stated that the recommendation is to appoint two highly-skilled arbitrators,

Timothy A. Hundley and Robert C. Gifford, to the panel. There was no further discussion. Commissioner Buchanan then made a motion to go back into public session and Commissioner Watkins seconded the motion. The motion was unanimously approved. Commissioner Buchanan then made a motion to appoint both candidates and Commissioner Fuller seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners, Buchanan, DiNardo, Fuller and Watkins).

Commissioner Fuller made a motion to adjourn the meeting and Commissioner Watkins seconded the motion. The motion was unanimously approved. The meeting was then adjourned.

The next meeting is scheduled to be held on Thursday, September 27, 2007 at 10:00 a.m.