

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
January 29, 2009
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:
Kirsten S. Branigan
Donald J. Buchanan
Patrick V. Colligan
Cheryl G. Fuller
Pierre D. Joanis
Matthew U. Watkins

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, Deputy General Counsel
Ira Mintz, General Counsel
Christine Lucarelli-Carneiro, Deputy General Counsel
Annette Thompson, 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 18, 2008 a copy of such notice was:

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

(b) sent 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 January 22, 2009, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

Chairman Henderson called the meeting to order. The first item for consideration was the minutes of the December 18, 2008 meeting. A motion to adopt the minutes was made by Commissioner Watkins and seconded by Commissioner Fuller. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller, Joanis and Watkins). Commissioner Colligan abstained.

The Chairman gave a brief update on the fiscal year 2009-2010 budget. He stated that the agency has managed to escape some of the cuts that other departments/agencies have experienced. We are in the process of preparing the 2010 budget and we are facing pressure to cut expenses. As a result we are reviewing our current leases for the Trenton and Newark offices.

The Chairman continued that one issue that has been explored is enhanced revenue. We currently charge a filing fee for interest arbitration. We have discussed possibly charging a fee for grievance arbitration. The Commissioners responded favorably and the Chairman advised that he would be seeking the Commissioners' approval on rulemaking at a later date, if necessary.

The General Counsel distributed his monthly and supplemental reports. He reported that there has been one argument in the Appellate Division in Rockaway Tp. This case involves State Health Benefits Program changes and whether the union can

arbitrate a grievance after an increase in co-pays. In addition there is a new appeal involving Teaneck. Two motions for leave to appeal were filed in the Appellate Division, one involving Paramus and the other in Trenton. We also have an injunction action in Superior Court where the City of Camden is seeking to block the Commission from going forward in an unfair practice case. The Commission has moved to dismiss this action stating that the Court does not have jurisdiction because the Commission has the exclusive right to decide unfair practice charges.

The General Counsel stated that after the meeting he will be meeting with the Commissioners to discuss the filing of financial disclosure forms.

The first case for consideration was CWA Local 1084 and Donna Lynn Burns-Meltzer, Docket No. CI-2007-066 and Camden County Board of Social Services and Donna Lynn Burns-Meltzer, Docket No. CI-2007-067. Commissioner Branigan moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller, Joanis and Watkins).

The next case for consideration was Township of Fairfield and PBA Local No. 81, Docket No. CO-2007-276. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. Commissioner Colligan recused himself because of his

affiliation with the PBA. Commissioner Watkins recused himself because he has a conflict with one of the law firms involved in this case. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller, Joanis).

The next case for consideration was County of Hudson and District 1199J, NUHHCE, AFSCME, AFL-CIO, Docket No. SN-2008-061. Commissioner Joanis moved the draft decision and Commissioner Watkins seconded the motion. Commissioner Fuller recused herself because she holds a paid position with Hudson County. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Joanis and Watkins).

The next case for consideration was City of Newark and Newark Police SOA, Docket No. SN-2009-008. Commissioner Joanis moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller, Joanis and Watkins).

The next case for consideration was City of Bayonne and Bayonne Police SOA, Docket No. SN-2009-018. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. Commissioner Branigan recused herself because she has a conflict with one of the law firms involved in this case. Commissioner Colligan recused himself because the SOA is affiliated with the State PBA. Commissioner Watkins recused

himself because of his relationship with one of the attorneys in this case. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller and Joanis).

The next case for consideration was University of Medicine and Dentistry of New Jersey and University of Medicine and Dentistry of New Jersey Council of American Association of University Professors Chapters, Docket Nos. CO-2005-220, CO-2007-271 & CE-2006-003. This case was removed from the agenda.

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

The next meeting is scheduled to be held on Thursday, February 26, 2009 at 10:00 a.m.