

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
February 26, 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
Matthew U. Watkins

Also present were:

Don Horowitz, Deputy General Counsel
Ira Mintz, 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 February 19, 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 January 29, 2009 meeting. A motion to adopt the minutes was made by Commissioner Buchanan and seconded by Commissioner Watkins. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Watkins).

The General Counsel distributed his monthly and supplemental reports. He reported on the lawsuit seeking to block the Commission from processing an unfair practice charge filed against the City of Camden. Just before the court hearing the request for an injunction was amended seeking to block the Commission from processing a request for a grievance arbitrator. On January 30, 2009, argument was held, which resulted in the judge dismissing the complaint against the Commission. The unfair practice and grievance arbitration are moving forward. The judge further ordered that, as the legislation proceeds, to the extent that it may affect issues involving our jurisdiction, the parties shall copy the Commission with any papers associated with the case. If the Commission wishes to weigh in they would be permitted to do so.

He continued by stating that the Appellate Division had denied leave to appeal in Paramus. This case involves an arbitrator's refusal to allow the employer to add a new issue in the arbitration. The employer moved for special permission to

appeal, which the Commission denied. They then went to the Appellate Division seeking leave to appeal the Commission's refusal to allow an appeal of the arbitrator's procedural ruling, and that was also denied.

The General Counsel concluded his reporting stating that a First Amendment case recently came down where an employer policy prevented police officers at the Waterfront Commission from talking to the media. The Court said that was an overbroad policy and that it interfered with the First Amendment rights of the police officers.

The first case for consideration was City of Newark and Newark Police Superior Officers' Association, Docket No. SN-2009-013. Commissioner Fuller moved the draft decision and Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Watkins).

The next case for consideration was Township of Plainsboro and Plainsboro P.B.A. Local 319, Docket No. SN-2009-014. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Watkins).

The next case for consideration was Township of Barnegat and Barnegat Township PBA, Local 296 and Barnegat Superior Officers Association, Docket No. SN-2009-015. Commissioner Branigan moved the draft decision and Commissioner Watkins seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. Commissioner Watkins went on the record to say that he was the administrator at the time one of the employees in this case was hired. He further stated that he has had no relationship with Barnegat Township in 14 years. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Watkins).

The next case for consideration was Hamburg Board of Education and Hamburg Education Association, Docket No. SN-2009-016. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Watkins).

The last case for consideration was City of Ocean City and Ocean City Beach Patrol Administrative Association and Edwin Yust, Docket Nos. CI-1999-076 & CI-1999-077. Commissioner Branigan moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Watkins).

The next item for consideration was the Proposed Readoption of Chapter 10 of the Commission's Regulations With Amendments. This matter was removed from the agenda.

The next item for consideration was the Proposed Amendments to Chapter 12 of the Commission's Regulations to Require Filing Fees in Grievance Arbitration Cases. This matter was removed from the agenda.

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

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