

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
March 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
Pierre D. Joanis

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, Deputy General Counsel
Christine Lucarelli-Carneiro, 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 March 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 February 26, 2009 meeting. A motion to adopt the minutes was made by Commissioner Fuller and seconded by Commissioner Buchanan. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan and Fuller). Commissioner Joanis abstained.

The General Counsel distributed his monthly and supplemental reports. He reported that the New Jersey Supreme Court denied the Teamsters' petition for certification in the Toms River case. That case involved removing trees on Saturday and the Commission had found the grievance to be negotiable. The Appellate Division disagreed finding that the Saturday work was not negotiable because it was incidental to the subcontract for tree removal work.

He further reported that the Township of Teaneck had withdrawn its appeal of a decision of the Commission that had denied a request for review of the Director of Representation's decision declining to exclude some department heads from a negotiations unit that the union had petitioned for. The Township wanted a hearing, the Director and Commission said that there was no basis for one.

He concluded his reporting by mentioning recent legislation that sets a 180-day limit on the number of days a police officer or firefighter can be suspended without pay, but more importantly

it requires the Commission to establish a special panel of arbitrators to hear terminations of police officers and firefighters in non-civil service jurisdictions. It also allows the Commission rulemaking authority to establish temporary rules. The rules would become effective upon the Commission's adoption of the rules. The agency is attempting to coordinate with the Civil Service Commission and the Office of Administrative Law, which have parallel rulemaking authority for civil service employees.

The first case for consideration was IAFF Local 2081 and Nicholas Sarapuchiello, Docket No. CI-2008-049. Commissioner Buchanan moved the draft decision and Commissioner Joanis seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Joanis).

The next case for consideration was Irvington Board of Education and Irvington Education Association, Docket No. CO-2006-127. Commissioner Branigan moved the draft decision and Commissioner Fuller seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Joanis).

The next case for consideration was Borough of River Edge and Local 108, Public Employees Division, RWDSU Blue Collar Unit, Docket No. SN-2009-004. Commissioner Joanis moved the draft

decision and Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Joanis).

The next case for consideration was Bergen County Vocational Schools Board of Education and Bergen County Vocational and Technical Education Association, Docket No. SN-2009-011.

Commissioner Fuller moved the draft decision and Commissioner Colligan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Joanis).

The next case for consideration was Township of Edison and Policemen's Benevolent Association, Local #75, Inc., Docket No. SN-2009-012. Commissioner Branigan moved the draft decision and Commissioner Joanis 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 Joanis).

The next case for consideration was Linden Board of Education and Linden Education Association, Docket No. SN-2009-019. Commissioner Colligan moved the draft decision and Commissioner Fuller seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Joanis).

The next case for consideration was Woodbridge Township Board of Education and Woodbridge Township Education Association, Docket No. SN-2009-020. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. Commissioner Branigan recused herself because she has previously worked with the attorneys representing one of the parties in this case. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Colligan, Fuller and Joanis).

The last case for consideration was Township of Maplewood and United Construction Trades & Industrial Employees International Union, Docket No. SN-2009-023. Commissioner Branigan moved the draft decision and Commissioner Fuller seconded the motion. (Chairman Henderson, Commissioners Branigan, Buchanan, Colligan, Fuller and Joanis).

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, April 30, 2009 at 10:00 a.m.