

MINUTES OF MEETING  
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION  
February 25, 2010  
10:00 a.m.  
495 West State Street  
Trenton, New Jersey

The meeting was called to order by Ira Mintz, General Counsel.

Present were:

Commissioners:

Patrick V. Colligan  
Adrienne E. Eaton  
Cheryl G. Fuller  
Sharon Krengel  
Paula B. Voos  
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 General Counsel, 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 17, 2009 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;

(c) mailed to the Secretary of State for filing; and

(d) posted on the agency's web site.

Furthermore on February 18, 2010, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

General Counsel Ira Mintz called the meeting to order.

The first item for consideration was the minutes of the January 28, 2010 meeting. A motion to adopt the minutes was made by Commissioner Watkins and seconded by Commissioner Fuller. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The General Counsel informed the Commissioners that the Annual PERC Conference is Friday, April 23, 2010 and that all Commissioners are welcome and encouraged to attend.

The General Counsel distributed his monthly and supplemental reports. He discussed an ethics issue involving the new Commissioners' submissions of possible conflicts of interest that would require recusal. There was one issue in particular that involved recusal if a case is brought by counsel that a Commissioner, in his or her official capacity, had engaged to work for his employer or union. The General Counsel reported that the Executive Director of the State Ethics Commission determined that if a Commissioner is responsible for engaging the attorney, then that Commissioner has to recuse his or himself in a case where that attorney appears before the agency.

He continued by reporting on two cases in the counsel's report. The first case was Lenape, which involved the non-renewal of a non-tenured custodian. The Court found that the contract did not require binding arbitration of the non-tenured custodian.

He continued by reporting that there were three Senate bills that passed unanimously which make revisions in both pensions and health benefits law.

The next case, PBA Local No. 11 v. City of Trenton, is mentioned in the supplemental report. An arbitrator ruled that police officers were entitled to straight time pay for a ten-minute muster time before their shifts. The trial court vacated the award, a split panel of the Appellate Division reversed, and the employer can appeal this case to the Supreme Court.

The first case for consideration was Morris County Sheriff's Office and County of Morris and Morris County Policemen's Benevolent Association, Local 298, Docket No. CO-2009-118. Commissioner Watkins moved the draft decision and Commissioner Kregel seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was unanimously approved (Commissioners Eaton, Fuller, Kregel, Voos and Watkins).

The next case for consideration was Borough of Cliffside Park and PBA Local 96, Docket No. SN-2009-017. Commissioner Kregel moved the draft decision and Commissioner Voos seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. Commissioners Eaton and Watkins questioned some of the issues discussed in the draft decision. After a discussion, Commissioner Eaton made a motion to table the

case until next month and Commissioner Fuller seconded the motion. The motion to table was unanimously approved (Commissioners Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was Township of Parsippany-Troy Hills and Parsippany Public Employees Local 1, Docket No. SN-2009-065. Commissioner Colligan moved the draft decision and Commissioner Eaton seconded the motion. The motion was approved by a vote of five in favor (Commissioners Colligan, Eaton, Fuller, Krengel and Voos), and one opposed (Commissioner Watkins).

The next case for consideration was State-Operated School District of the City of Paterson and Paterson Education Association, Docket No. SN-2009-084. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was Township of Bloomfield and Bloomfield PBA Local #32, Docket No. SN-2010-005. Commissioner Eaton moved the draft decision and Commissioner Krengel seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was unanimously approved (Commissioners Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was City of Rahway and PBA Local #31, Docket No. SN-2010-006. Commissioner Eaton moved the

draft decision and Commissioner Fuller seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was approved by a vote of four in favor (Commissioners Eaton, Fuller, Krengel and Voos), and one opposed (Commissioner Watkins).

The next case for consideration was County of Hudson and Hudson County Sheriff's Officers P.B.A. Local 334, Docket No. SN-2010-007. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. Commissioner Fuller recused herself because she holds a paid position with Hudson County. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The next case for consideration was City of Newark and Newark Police Superior Officers' Association, Docket No. SN-2010-010. Commissioner Watkins made a motion to table the case until next month so that Commissioner Colligan could review the record and Commissioner Fuller seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was County of Monmouth and Monmouth County Corrections Officers, PBA Local 240, Docket No. SN-2010-020. Commissioner Voos moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The

motion was unanimously approved (Commissioners Eaton, Fuller, Krengel, Voos and Watkins).

The last case for consideration was Montgomery Township Board of Education and Montgomery Township Education Association, Docket No. SN-2010-024. Commissioner Fuller moved the draft decision and Commissioner Colligan seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

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

The next meeting is scheduled to be held on Thursday, March 25, 2010 at 10:00 a.m.