

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
August 12, 2010
10:00 a.m.
495 West State Street
Trenton, New Jersey

The meeting was called to order by Commissioner Paula Voos.

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
Christine Lucarelli-Carneiro, Deputy General Counsel
Ira Mintz, General Counsel
Annette Thompson, who acted as Stenographer

At the commencement of the meeting, Commissioner Voos, 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 August 5, 2010, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

Commissioner Paula Voos called the meeting to order.

The first item for consideration was the minutes of the June 24, 2010 meeting. A motion to adopt the minutes was made by Commissioner Watkins and seconded by Commissioner Krengel. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The General Counsel distributed his monthly report. He reported on a case involving the City of Passaic. The City has moved for leave to file an interlocutory appeal in the Appellate Division from an interim relief order of a Commission Designee. In this case there are crossing guards that work under annual contracts and they are re-hired year after year for many years and have health benefits. The employer decided that after this year they would be treated as new hires as of September 1. Under the new contract they would not be entitled to health benefits. The designee restrained the City from doing that and the City has gone to court seeking leave to appeal from the order to continue the health benefits for the employees. The Counsel's Office has filed a brief opposing leave to appeal.

Commissioner Colligan made an inquiry about employees taking furloughs in Civil Service jurisdictions. The General Counsel commented that there are two issues related to this that are currently before the Commission.

The first case for consideration was Bridgewater-Raritan Regional Board of Education and Stan Serafin, Docket No. CI-2009-045. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Kregel, Voos and Watkins).

The next case for consideration was Bridgewater-Raritan Transportation Association and Stan Serafin, Docket No. CI-2009-046. Commissioner Watkins moved the draft decision and Commissioner Colligan seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Kregel, Voos and Watkins).

The next case for consideration was Passaic County Prosecutor's Office and Passaic Assistant Prosecutor's Association, Docket No. CO-2008-240. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Kregel, Voos and Watkins).

The next case for consideration was Luis Santiago and City of Bridgeton and Bridgeton PBA Local 94, Docket No. CO-2008-262. 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 approved by a vote of three in favor (Commissioners Fuller,

Krengel and Watkins) and two opposed (Commissioners Eaton and Voos).

The next case for consideration was City of Paterson and Paterson Police PBA Local 1, Docket No. CO-2008-280 and City of Paterson and Paterson Superior Officers Association, Docket No. CO-2008-282. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. Commissioner Eaton recommended changes to the draft decision concerning covert cameras and an expectation of privacy. The draft decision was amended to incorporate the changes recommended by Commissioner Eaton, which were approved by acclamation. The motion was unanimously approved (Commissioners Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was County of Ocean and Ocean County PBA Local 258, Docket No. CO-2010-398 and County of Ocean and Ocean County Sheriff and Ocean County Sheriff's PBA Local 379, Docket No. CO-2010-411. 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 unanimously approved (Commissioners Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was Old Bridge Township Fire District 2 and Old Bridge Township Career Fire Fighters

Association, Local 3311, IAFF, Docket No. CU-2008-013.

Commissioner Fuller moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was County of Atlantic and FOP Lodge #34, Docket No. IA-2007-057. Commissioner Colligan moved the draft decision and Commissioner Krengel seconded the motion. Commissioner Fuller expressed a concern about retiree health benefits for uniformed personnel that had already been negotiated into a contract. The motion was unanimously approved (Commissioners Colligan, Eaton, Krengel, Voos and Watkins). Commissioner Fuller abstained.

The next case for consideration was Township of Wayne and PBA Local 136, Docket No. SN-2009-045. Commissioner Watkins 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 Orange Township and Fire Officers Association, Local 210, FMBA, Docket No. SN-2010-021. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. The motion was

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

The next case for consideration was State-Operated School District of the City of Paterson and Paterson Education Association, Docket No. SN-2010-040. Commissioner Eaton moved the draft decision and Commissioner Krengel seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was Little Silver Board of Education and Little Silver Education Association, Docket No. SN-2010-045. Commissioner Krengel 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 Pohatcong Board of Education and Pohatcong Education Association, Docket No. SN-2010-047. Commissioner Krengel moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was Township of Evesham and Teamsters Local 676, Docket No. SN-2010-082. Commissioner Eaton moved the draft decision and Commissioner Colligan seconded the motion. The motion was approved by a vote of five in favor

(Commissioners Colligan, Eaton, Fuller, Krengel and Voos), one opposed (Commissioners Watkins).

The next case for consideration was Galloway Township Board of Education and Galloway Township Education Association, Docket No. TO-2009-001. Commissioner Watkins moved the draft decision and Commissioner Krengel seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel and Watkins). Commissioner Voos abstained.

The next case for consideration was New Jersey Institute of Technology and FOP Lodge #93, Docket No. DA-2010-002. 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 City of Asbury Park and PBA Local 6, Docket No. IA-2008-069 & City of Asbury Park and PBA Local 6, Superior Officers Association, Docket No. IA-2008-047. Commissioner Krengel moved the draft decision and Commissioner Eaton 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). Commissioner Watkins expressed that he had a great deal of concern about the two years it took for the arbitrator to issue a decision.

The next case for consideration was Township of Parsippany-Troy Hills and Parsippany Public Employees Local 1, Docket No. SN-2010-041. Commissioner Colligan moved the draft decision and Commissioner Krengel seconded the motion. A detailed discussion ensued concerning the Family and Medical Leave Act ("FMLA"). The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

The next case for consideration was County of Atlantic and PBA Local 243, Docket No. SN-2010-071. Commissioner Fuller 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 and Voos). Commissioner Watkins abstained.

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, September 23, 2010 at 10:00 a.m.