



**STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION**

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DECEMBER 23, 2014

NOTICE TO INTERESTED PARTIES

RESOLVING TIE VOTES IN CERTAIN SCOPE OF NEGOTIATIONS CASES

Occasionally the Commission has failed to reach a majority vote to resolve a contested case. This has occurred even though a quorum is present and sufficient Commissioners are eligible to vote on the matter. When the tie is the result of a disqualification of one or more Commissioners based on a conflict of interest, the tie is considered to be "unbreakable." In such cases, the Commission's final action is either an interim or recommended decision made by a Commission designee or officer (e.g. Hearing Examiner) or the status quo of the parties' dispute that existed at the time the proceeding before the Commission was initiated.

However, where a tie vote occurs because a Commissioner, who is not disqualified from participating in the decision, is absent from the meeting at which the case is being considered, the Commission has decided that in order to fulfill its statutory obligation "to make a determination as to whether a matter in dispute is within the scope of collective negotiations," that it will place the matter on its agenda at its next regular meeting, or, if necessary, convene a special meeting to take up the case again. This protocol is designed to allow all eligible Commissioners to vote on the case so that a ruling on the merits can be made by the agency. All parties to such cases will be advised of the initial tie vote and will receive written advance notice of the meeting at which their case will be considered again.

This protocol will apply to scope of negotiations cases that remain pending before the Commission after an initial tie vote.