

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
March 25, 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

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, 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 March 18, 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 February 25, 2010 meeting. A motion to adopt the minutes was made by Commissioner Fuller and seconded by Commissioner Krengel. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel and Voos).

The General Counsel distributed his monthly report.

He reported on a new appeal in Morris County Sheriff's Office and County of Morris. In this case the Commission found that the employer violated the Act when it announced a change in staffing on certain weekend positions during the pendency of interest arbitration.

Don Horowitz, Deputy General Counsel, reported on the Commission's decision in County of Burlington. This case involves Weights and Measures employees who have limited arrest powers and who exercise this authority less often than regular police. PERC has, over the years, decided that once it is determined you have the statutory power to arrest, you are a police officer. Our Act requires that police officers be in a negotiations unit by themselves. In this situation the Weights and Measures officers have been represented, for many years, by the Communications Workers of America in a county-wide unit. A petition was filed seeking to remove them from the unit. The Director of Representation applied the precedent, but suggested

that the Commission revisit the issue. In its decision, the Court stated the Commission should not just rely on whether there is a statutory power to arrest and recommended that other factors be examined. The Court remanded the matter to the Commission to address the petition anew without reliance on the per se rule.

The General Counsel continued his reporting with the Court's affirmance in East Rutherford. This case has to do with a change in the level of benefits when the State Health Benefits Program changed co-pays. The Court affirmed the Commission's decision that the level of health benefits is negotiable and that grievances challenging changes in levels of health benefits are legally arbitrable. The Court noted that if the arbitrator rules in favor of the union and a dispute arises over the negotiability of any remedy issued, the Borough can re-file its scope petition.

He concluded by reporting on a case involving freelance interpreters. New Jersey Administrative Office of the Courts (Judiciary) and CWA. The CWA has withdrawn its appeal in this matter.

The General Counsel stated that two Commissioners have been nominated by the Governor for appointment to the Commission. P. Kelly Hatfield has been nominated for the Chair position and John Bonanni to replace Commissioner Cheryl Fuller.

The first case for consideration was Borough of Cliffside Park and PBA Local 96, Docket No. SN-2009-017. Commissioner

Fuller moved the draft decision and Commissioner Krengel seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA.

The next case for consideration was City of Newark and Newark Police Superior Officers' Association, Docket No. SN-2010-010. Commissioner Fuller moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel and Voos).

The next case for consideration was University of Medicine and Dentistry of New Jersey and University of Medicine and Dentistry of New Jersey Council of American Association of University Professors Chapters, Docket Nos. CE-2006-003, CO-2005-220 & CO-2007-271. After a discussion, Commissioner Fuller made a motion to table the case and Commissioner Colligan seconded the motion. The motion to table was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel and Voos).

The next case for consideration was Wall Township Board of Education and Wall Township Information Technology Association, Docket No. CO-2007-055. Commissioner Krengel moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel and Voos).

The next case for consideration was County of Camden and Camden County Council #10, Docket No. CO-2010-157. Commissioner

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

The next case for consideration was Oakland Public Library and RWDSU Local 108, Public Employees Division, AFL-CIO, Docket No. SN-2009-076. Commissioner Voos moved the draft decision and Commissioner Fuller seconded the motion. A discussion ensued. Commissioners Fuller and Krengel voted in favor of the draft decision, and Commissioners Colligan and Voos voted against the draft decision. Commissioner Eaton abstained.

The next case for consideration was City of Elizabeth and PBA Local 4, Docket No. SN-2010-009. 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 and Voos).

The next case for consideration was City of Hoboken and Hoboken Fire Officers Association Local 1076 (Superiors), Docket No. SN-2010-012. Commissioner Krengel moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Fuller recused herself because of her relationship with one of the attorneys involved in this case. The motion was unanimously approved (Commissioners Colligan, Eaton, Krengel and Voos).

The next case for consideration was New Jersey Turnpike Authority and International Federation of Professional and

Technical Engineers, Local 193C, Docket No. SN-2010-013.

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

The next case for consideration was Town of Hammonton and Susan Carroll, Docket No. SN-2010-018. Commissioner Krengel moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel and Voos).

The next case for consideration was Township of Livingston and Livingston PBA Local 263, Docket No. SN-2010-027.

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 and Voos).

The last case for consideration was County of Passaic and Passaic County Sheriff and Police Benevolent Association Local 197 (Correction Officers), Police Benevolent Association Local 197 (Correction Superior Officers), Police Benevolent Association Local 286 (Sheriff's Officers), Police Benevolent Association Local 286 (Sheriff's Superior Officers), Docket No. IA-2007-115. This case was pulled from the agenda.

Commissioner Fuller 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, April 29, 2010 at 10:00 a.m.