

MINUTES OF MEETING  
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION  
May 27, 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:

Adrienne E. Eaton  
Sharon Krengel  
Paula B. Voos  
Matthew U. Watkins

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 May 20, 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 April 29, 2010 meeting. A motion to adopt the minutes was made by Commissioner Krengel and seconded by Commissioner Watkins. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The General Counsel distributed his monthly and supplemental reports. He reported that the Wall Township Board of Education has filed an appeal in a case where there was a stipulated record and the Board moved for reconsideration arguing that their counsel was not their counsel at the time he agreed to stipulate the record. The Commission denied the request for reconsideration.

He continued by reporting on Stengart v. Loving Care Agency, Inc. This case was reported on as it went through each of the courts and has now finally made it to the New Jersey Supreme Court. The Court found that an employee's electronic mail to her lawyer that was sent on the employer's laptop through a web-based electronic mail system was protected by the attorney-client privilege.

He concluded with a case involving the FMBA and State of NJ. A Superior Court Judge denied interim relief in an action to try to prevent the implementation of the 1.5% health care contribution. The plaintiffs made a number of arguments,

constitutional as well as arguments under the Employer-Employee Relations Act. The Court, at least for interim relief purposes, rejected all of those arguments and the 1.5% has gone into effect for any employees who were not, at the time, covered by collective negotiations.

The first case for consideration was Township of Parsippany-Troy Hills and PBA Local 131A & 131A (Superior Officers Association), Docket Nos. CO-2008-096 & CO-2008-100. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, 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 Krengel moved the draft decision and Commissioner Watkins seconded the motion. A detailed discussion ensued. The vote was two in favor (Commissioners Krengel and Watkins) and one opposed (Commissioners Voos). Commissioner Eaton abstained. The motion was therefore not adopted. This case will be placed on the agenda again for next month's meeting.

The next case for consideration was City of Hoboken and RWDSU Local 108, UFCW, Docket No. RO-2010-039. Commissioner Krengel moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The next case for consideration was Township of Edison and PBA Local 75 (Superiors), Docket No. SN-2009-042. Commissioner Watkins moved the draft decision and Commissioner Krengel seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The next case for consideration was Union County Sheriff's Office and Fraternal Order of Police Sheriff's Superior Officers of Union County Lodge No. 103, Docket No. SN-2009-057.

Commissioner Eaton moved the draft decision and Commissioner Krengel seconded the motion. The draft decision was amended to incorporate the changes recommended by Commissioners Krengel and Watkins, which were approved by acclamation. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The next case for consideration was Paterson State-Operated School District and Paterson Education Association, Docket No. SN-2010-032. Commissioner Watkins moved the draft decision and Commissioner Krengel seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The next case for consideration was City of Newark and Newark Superior Officers Association, Docket No. SN-2010-035. Commissioner Watkins moved the draft decision and Commissioner

Eaton seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The last case for consideration was Middlesex County College and Teamsters Local Union No. 11, Docket No. SN-2010-042.

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

The next item for consideration was the Proposal to Readopt Contested Transfer Rules, N.J.A.C. 19:18. Commissioner Watkins moved that the proposal to readopt the rules be published and Commissioner Krengel seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

The last item for consideration was the Proposal to Readopt as regular rules, Temporary Rules Governing Special Disciplinary Arbitration, N.J.A.C. 19:12-6.1 through 19:12-6.8. Commissioner Watkins moved that the proposal to readopt the rules be published and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Eaton, Krengel, Voos and Watkins).

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

The next meeting is scheduled to be held on Thursday, June 24, 2010 at 10:00 a.m.