

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
September 23, 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
Paula B. Voos
Matthew U. Watkins

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel
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 September 16, 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 August 12, 2010 meeting. A motion to adopt the minutes was made by Commissioner Eaton and seconded by Commissioner Fuller. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The General Counsel distributed his monthly report. He reported on a Commission case involving the City of Passaic where the City sought leave to appeal in the Appellate Division from an interim relief order that the City maintain health benefits for crossing guards. The Appellate Division denied leave to appeal.

There were two new appeals. One involves the New Jersey Institute of Technology where a petition for an arbitrator under the Special Disciplinary Arbitration Panel was dismissed as untimely. The other is an appeal of an interest arbitration award in Asbury Park.

Oral argument was held yesterday in the Appellate Division on an appeal from an interest arbitration decision involving the Borough of Fort Lee.

There is a case involving Patterson v. Cannon which is mentioned in the report involving the New Jersey Civil Rights Act. There is a statute that makes it illegal in New Jersey and actionable if you allege a violation of either the federal or State constitution. In this case the Appellate Division reversed

a trial court decision that had dismissed an allegation under the New Jersey Civil Rights Act. The issue was whether or not the employer had discriminated or retaliated against an employee for filing a grievance and had threatened to terminate the employee if he did not withdraw the grievance. This would be considered an unfair practice but the court also allowed a lawsuit under the New Jersey Civil Rights Act to proceed.

The first case for consideration was Borough of Keyport and International Union of Operating Engineers, Local 68, Docket Nos. CO-2010-065 & SN-2010-072. Commissioner Colligan moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The next case for consideration was Township of Mount Olive and Mount Olive Fraternal Order of Police, Lodge No. 122, Docket No. IA-2009-046. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The next case for consideration was Township of Maplewood and P.B.A. Local No. 44A, Docket No. SN-2010-037. Commissioner Eaton moved the draft decision and Commissioner Watkins seconded the motion. Commissioner Colligan recused himself because of his

affiliation with the PBA. The motion was unanimously approved (Commissioners Eaton, Fuller, Voos and Watkins).

The next case for consideration was Borough of Tinton Falls and Tinton Falls PBA Local 251, Docket No. SN-2010-039.

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, Voos and Watkins).

The next case for consideration was City of Bridgeton and Cumberland Council 18, Docket No. SN-2010-043. Commissioner Fuller moved the draft decision and Commissioner Colligan seconded the motion. The motion was approved by a vote of four in favor (Commissioners Colligan, Eaton, Fuller and Voos), and one opposed (Commissioner Watkins).

The next case for consideration was Mercer County Special Services Board of Education and Mercer County Special Services Educational & Therapeutic Association, Docket No. SN-2010-044. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The next case for consideration was Mercer County Special Services Board of Education and Mercer County Special Services Educational & Therapeutic Association, Docket No. SN-2010-046.

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

The next case for consideration was Ridgewood Board of Education and Ridgewood Education Association, Docket No. SN-2010-051. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The next case for consideration was Flemington-Raritan Regional Board of Education and Flemington-Raritan Education Association, Docket No. SN-2010-053. Commissioner Eaton moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The next case for consideration was Bergen Community College and Bergen Community College Support Staff Association, Docket No. SN-2010-054. Commissioner Watkins moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Colligan recused himself because counsel for the petitioner also represents his employer. The motion was unanimously approved (Commissioners Eaton, Fuller, Voos and Watkins).

The next case for consideration was Ocean County Utilities Authority and Office and Professional Employees International

Union Local 32, AFL-CIO, Docket No. SN-2010-063. A discussion ensued. Commissioner Watkins made a recommendation to exclude a sentence from the draft decision. Commissioner Fuller made a motion to modify the draft decision and Commissioner Watkins seconded the motion. Commissioner Eaton then moved the draft decision be adopted with the modification and Commissioner Voos seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

The next case for consideration was Passaic County Superintendent of Elections and Communications Workers of America, Local 1032, Docket No. SN-2010-081. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. Commissioner Eaton recused herself because of her role in retaining counsel for the Union to represent her union. The motion was unanimously approved (Commissioners Colligan, Fuller, Voos and Watkins).

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

The last item for consideration was the Proposed Readoption of Special Disciplinary Arbitration Rules, N.J.A.C. 19-12.6.

Commissioner Watkins moved that the proposal to readopt the rules be published and Commissioner Fuller seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Voos and Watkins).

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

The next meeting is scheduled to be held on Thursday, October 28, 2010 at 10:00 a.m.