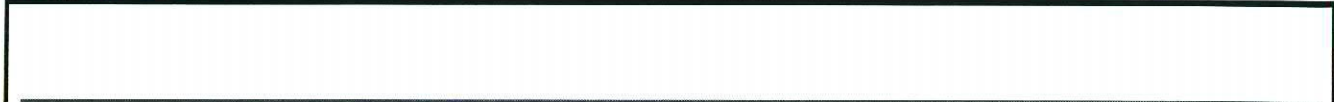




From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Friday, October 23, 2009 3:58 PM
To: Lashway, Lisa
Subject: Three Issues



Municipal Clerk: Please forward to Mayor and Governing Body.

October 23, 2009

Re: I Important Conference Sessions Land Use Issues

Re: II League's Consulting Period on General Municipal Topics

Re: III Update on Furloughs

RE: I. Important Conference Sessions Land Use Issues

Dear Mayor:

This continues our series of letters highlighting sessions related to particular topics. For more information on these and other sessions, visit the League's website at www.njslom.com. Also, be sure to read more about these sessions and the entire Conference in the October and November editions of our magazine, *New Jersey Municipalities*.

The conference schedule for sessions related to Land Use Issues is as follows:

Date	Time	Session	Room
Tuesday, November 17th	3:45 p.m.	Updating Your Zoning and Subdivision Code	Room 408
Wednesday, November 18th	9:00 a.m.	Get Ready for the New State Plan	Room 404
	10:45 a.m.	Analyzing the New State Plan – A Response Panel	Room 404
	2:00 p.m.	Changing Times Make It the Right Time for Transit Oriented Villages	Room 304
Thursday, November 19th	9:00 a.m.	COAH Update	Room 402
	10:45 a.m.	COAH Update –	Room 402

A Response Panel

We hope you find these sessions helpful and informative.

Very truly yours,

William G. Dressel, Jr.
Executive Director

Re: II. League's Consulting Period on General Municipal Topics

Make plans to attend the League's consulting period on general municipal topics at the 94th Annual Conference.

**Tuesday, November 17, 2009
3:00 p.m. –5:00 p.m.
Hall A
Atlantic City Convention Center
Atlantic City, New Jersey**

The consulting period provides conference delegates with a chance to get up-to-date information on over 100 topics relevant to municipal administration. Last year, experts answered questions on the following important issues:

- Budgets and Financial Administration
- Economic Development
- Grant/Loan Programs
- Environmental Protection/Brownfields
- Emergency Management/Disaster Preparedness
- And much more.....

The consulting forum also gives local officials the convenience of meeting consultants from Trenton and Washington, without having to schedule personal appointments during the year. Take advantage of this long time

League service and get new and useful information to help your municipality.
Contact Becky Wright at (609) 695-3481, ext. 110 or bwright@njslom.com

RE: III. Update on Furloughs

Dear Mayor :

This letter will update you with respect to the status of furloughs and temporary layoffs.

As you know, in March, 2009, the Civil Service Commission adopted an Emergency Regulation providing for temporary layoffs including staggered layoffs.

The Emergency Regulation was challenged at the Appellate Division, which found that a decision to layoff all employees in a layoff unit even on a temporary basis to be a managerial prerogative. The Court also stayed enforcement of the regulation concerning staggered layoffs pending consideration of the issues as to the scope of negotiations before the Public Employment Relations Commission (PERC). The PERC Commission designee found that the PERC was bound to follow the Court's ruling that a temporary layoff of all employees in the layoff unit is an exercise of managerial prerogative and not subject to negotiations. However, as to the staggered layoffs, the Designee found that there was no need for PERC to issue a ruling with respect to negotiability of such action since there were no planned staggered layoffs in May 2009. However, the PERC designee did find that a non-civil service jurisdiction is restrained from unilaterally implementing temporary furloughs and reducing certain positions from full-time to part-time without negotiations.

In August 2009, the Civil Service Commission voted to propose the repeal of the Emergency Regulation and to stay that regulation pending its eventual repeal. The repeal of the regulation is presently in the notice and comment phase. The Civil Service Commission's decision to repeal the Emergency Regulation does not eliminate an appointing authority's ability to implement temporary layoffs. Rather, the authority to temporarily close an entire layoff unit proceeded, and still exists independently of, the regulation the Civil Service Commission is repealing. Thus, as long as the temporary layoff is accomplished through the complete closure of an entire layoff unit, temporary layoffs are permissible under civil service law and PERC law. In a department targeted for temporary layoffs, exemptions for certain employees (i.e., police and fire) or staggered furloughs are not allowed. Departments that cannot shutdown entirely cannot be targeted in a temporary layoff plan.

If you have any questions, please contact Matt Weng at 609-695-3481, ext. 137.

Very truly yours,

William Dressel Executive Director NJLM 222 West State Street Trenton, NJ 08608