



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Friday, June 05, 2009 2:38 PM
To: Lashway, Lisa
Subject: From NJLM - Two Mayors ltr

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

June 5, 2009

Re: I Employee Furloughs in Civil Service Jurisdictions

Age-Restricted Conversions, S-2577/A-3772

Re: II

Re: I Employee Furloughs in Civil Service Jurisdictions

Dear Mayor:

In our May 6 letter (http://www.njslom.org/ml050609_civil_service.html), we had reported on the Civil Service Commission's emergency ruling, which permitted temporary employee furloughs/layoffs in Civil Service jurisdictions. Since that time, several unions challenged this rule.

The Appellate Court held that the practice which existed before the rule allowing for temporary layoffs/furloughs as part of a full department closure were valid. However, that court called into question the validity of staggered furloughs and stayed that part of the rule. The court sent the case to PERC and several unions filed companion unfair labor practice charges at PERC. The Commission's hearing officer held that the question of staggered furloughs was negotiable in non-civil service localities and did not address the question with any finality in civil service jurisdictions, creating more uncertainty. The Appellate Division stay of the rule continues in the aftermath of the PERC Hearing Officer's decision.

Against this background, yesterday, Governor Corzine announced an agreement with the largest State employees union, CWA, addressed the furlough rule. The Governor's Press Release can be accessed online at <http://www.state.nj.us/governor/news/news/2009/approved/20090604a.html>. It states, in part, "The agreement ... places a moratorium on a recently adopted civil service rule on furloughs pending further study."

We are informed that the study will include representatives of local government as part of a sixteen member Study Commission headed by representatives of the Civil Service Commission and PERC

that will address the issues and uncertainties created by the decisions. We will have a voice and seat at the table in those deliberations and study.

In the interim, the law as it existed before the rule continues to be in place and local government retains the rights and remedies it had prior to the adoption of the rule. I know that many of you have been studying this issue and that only a small number of you have submitted plans so if you were planning temporary furloughs, or have submitted plans please bring this to the attention of your municipal attorney and your labor relations counsel.

We have not yet seen the text of the agreement and will keep you posted on this and any further developments.

Very truly yours,

William G. Dressel, Jr.
Executive Director

Re: Age-Restricted Conversions, S-2577/A-3772

Dear Mayor:

We have received a number of inquiries regarding the status of the S-2577/A-3772, which allows developers to seek the conversion of certain age-restricted units to market rate units.

If you recall, the Governor conditionally vetoed the legislation, which originally passed both Houses of the Legislature in March. On May 21, the State Senate considered and adopted the language of the conditional veto. In order to amend the bill, the bill was placed back on 2nd reading, and will need to be voted on by the Senate once again.

It is likely the Senate will consider the amended S-2577/A-3772, reflecting the language of the Governor's conditional veto, on **Thursday, June 18**. If approved, the bill will be sent to the General Assembly for its consideration, and the Assembly could also vote on the bill on June 18. If both Houses approved the amended bill, it is returned to the Governor who has 10 days to act.

Any remaining concerns with S-2577/A-3772 should be directed to your State Senator and Assembly representatives before June 18. For more on this issue, please see our Dear Mayor letters of May 19 and May 4.

Very truly yours,

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