

Mr. Nolan offered the following Resolution and moved on its adoption:

**Borough of Highlands
County of Monmouth**

R-10-237

**Resolution approving revisions and modifications to the terms of the
Collective Negotiations Agreement between the Borough of Highlands and the
CWA Local 1032 for the period from July 1, 2008 through December 31, 2011**

WHEREAS, the Borough of Highlands (“Borough”) and the CWA Local 1032 (“CWA”) are parties to a collective negotiations agreement (the “Agreement”) effective July 1, 2008 through December 31, 2011 and

WHEREAS, the Borough has proposed modifications to that agreement in order to provide savings and to avoid staff reductions beyond the elimination of four sanitation positions and one mechanic position and the disruption to public services caused by such staff reductions; and

WHEREAS, representatives of the Borough and the CWA who have been involved in discussions regarding modifications to the Agreement have recommended the terms of an agreement on modifications to the parties’ current Agreement that will provide financial savings and help avoid additional layoffs, furloughs or reductions in hours during the remaining term of the collective negotiations agreement and have recommended those terms to the full membership of the CWA and the governing body of the Borough of Highlands for approval; and

WHEREAS, it has been determined by the Mayor and Council that the terms proposed by the parties, which are contained in a written memorandum of agreement, will provide the Borough with substantial savings; now therefore

IT IS HEREBY RESOLVED this 21st day of December, 2010 that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the CWA; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments necessary to effectuate these approved terms and conditions.

Seconded by Mr. Francy and adopted on the following roll call:

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane

NAYES: None

ABSTAIN: None

ASENT: None

DATE: December 21, 2010

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on December 21, 2010.

Borough Clerk/Deputy Clerk

MEMORANDUM OF AGREEMENT
between
Borough of Highlands and CWA Local 1032

The parties hereby agree to following changes to the 2008-2011 collective negotiations agreement:

1. The parties agree to modify Article IX, Section 1 to eliminate the 3.25% salary increase that was scheduled to take effect on July 1, 2010 and agree that that there will be no wage increase for bargaining unit members, other than those specified in Paragraph 2 below, for the 2011 fiscal year, from July 1, 2010 through June 30, 2011, and for the period from July 1, 2011 through December 31, 2011.
2. The five employees directly impacted by the subcontracting of Sanitation and the Mechanic services, Michael Johnson, John Coberg, Wayne Occhipinti, Richard White

and James Caplinger, will receive a wage increase retroactive to July 1, 2010 for the period from July 1, 2010 through December 31, 2010 only.

3. The parties agreed to modify Article XII – Health Benefits to provide that health benefits and prescription coverage will be provided through the New Jersey State Health Benefits Plan.
4. The Borough further agrees to withdraw any layoff plan or part thereof and any layoff notices as to the four (4) clerical positions subject to elimination on December 31, 2010 that has been filed with the Civil Service Commission Civil Service Commission or delivered to clerical employees upon execution of the MOA.
5. The terms of this MOA are subject to the grievance/arbitration provisions of the collective bargaining agreement between the parties and any dispute arising under this MOA, involving the application or interpretation of the terms of the MOA, may be submitted to binding arbitration in accordance with the grievance/arbitration provisions of the Agreement. The Borough agrees that in the event the Union seeks to arbitrate a dispute arising under this MOA, the Borough waives any right it may have to claim that the dispute is not legally arbitrable under scope of negotiations law.
6. The CWA agrees to waive any appeal, grievance or other legal proceeding challenging the layoffs of the four (4) sanitation employees and the one (1) mechanic in accordance with the layoff plan previously approved by the Civil Service Commission.
7. All remaining provisions contained in the 2008-2011 collective negotiations agreement, which has been extended to December 31, 2011, will remain unchanged.

Borough of Highlands

By: _____
Anna Little, Mayor

CWA Local 1032

By: _____
Mario Rivera, CWA Representative

By _____
CWA Local Representative