

LOCCKE, CORREIA & BUKOSKY
24 Salem Street
Hackensack, New Jersey 07601
(201) 488-0880
Attorneys for Plaintiffs

INTERNATIONAL ASSOCIATION OF	:	Superior Court of New Jersey
FIRE FIGHTERS, AFL-CIO, LOCAL	:	Law Division: Atlantic County
198, et al.,	:	
	:	Docket No. ATL-L-222-17
Plaintiffs,	:	
	:	
	:	<u>CIVIL ACTION</u>
v.	:	
	:	
	:	<u>CERTIFICATION OF</u>
CITY OF ATLANTIC CITY, NEW	:	<u>JIM WHELAN</u>
JERSEY, et al.,	:	
	:	
	:	
Defendants.	:	

I, **Jim Whelan**, of full age, do hereby certify as follows:

1. I make this certification in support of the Plaintiffs' application for a preliminary and temporary injunction pending a final resolution of the legal issues in dispute between the parties.

2. I have been a member of the State of New Jersey's Senate since 2008.

3. In 2016, I sponsored a bill that was ultimately enacted as the "Municipal Stabilization and Recovery Act" ("MSRA").

4. As a sponsor of MSRA, I am familiar with the legislative intent behind the bill.

5. The Senate intended MSRA to stabilize the economic finances of any municipality within the State of New Jersey in need of stabilization.

6. MSRA requires the Director, or his Designee, to the extent practicable, to comply with all notice, hearing, and other requirements to which the municipality in need of stabilization and recovery is generally subject.

7. It was, therefore, the intent that the authorities granted by MSRA be exercised as part of a comprehensive and defined five-year plan, which would be implemented only after study and input from experts.

8. The Act was designed to save money by careful planning, not by cutting public services to unsafe levels and endangering the safety of public employees, which I believe the Designee is now doing.

9. MSRA was not intended to serve as a vehicle to change work schedules or other working conditions of fire fighters.

10. The work schedule the Designee has implemented in the City of Atlantic City is likely to lead to exhausted and depleted fire fighters and presents an undue safety risk, which was not intended by MSRA.

11. Further, the schedule the Designee has implemented in the City of Atlantic City does not appear to result in any financial savings for the municipality.

12. In changing fire fighters' schedules in the City of Atlantic City, the Designee is acting in a manner outside the

scope of what was intended by the Act which limited him to stabilizing the finances of a municipality in need of recovery, not altering an ordinary work schedule in an unsafe manner likely to result in injury to the municipality's employees or residents.

13. I expressed my concerns about the Designee's plans to him in January 2017, even before they were fully developed. I informed the Designee in January 2017, "We must be cognizant of public safety concerns related to a depleted and understaffed public safety department."

14. The schedule change imposed by the Designee is unreasonable for purposes of the act because it will not stabilize the City's finances and appears to be designed only to cause a hardship to the fire fighters.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: June 19, 2017


Jim Whelan