

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
September 26, 2013
10:00 p.m.
495 West State Street
Trenton, New Jersey

The meeting was called to order by Chair P. Kelly Hatfield.

Present were:

Commissioners:

John Bonanni
Paul Boudreau
John H. Eskilson
David Jones
Richard Wall

Also present were:

David Gambert, Deputy General Counsel
Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, Deputy General Counsel
Christine Lucarelli-Carneiro, Deputy General Counsel
Martin R. Pachman, General Counsel
Annette Thompson, who acted as Stenographer

At the commencement of the meeting, Chair Hatfield, 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 13, 2012 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 19, 2013, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

The minutes of the August 8, 2013 regular meeting and executive session meeting will be voted on at the October meeting.

Chair Hatfield introduced Christopher Leavey, Esq., who is our new Director of Administration. Chris was formerly the Chief Administrative Officer for the New Jersey's Workers' Compensation Court system. He also has served as the Director of Human Resources and Labor Relations for the Department of Labor and Workforce Development. Chris is replacing Robert Hackel who retired September 1, 2013. Please join us in welcoming Chris to the agency.

Chair Hatfield advised that she has received a letter from Frank Mason. He has removed his name from the special panel of interest arbitrators. He details that his health is basically forcing him to make this decision. We are sad to see Mr. Mason go and we wish him all the best and much success in his future endeavors.

Chair Hatfield advised the Commissioners that there is a new interest arbitration appeal involving Burlington County Prosecutor's Office and PBA Local 320, Docket No. IA-2012-016. A suggested meeting date of Thursday, October 17, 2013 at 10:00 a.m. was scheduled.

The Counsel's Office distributed a monthly report.

The first case for consideration was the draft decision in CWA Local 1040, CWA District One and State of New Jersey (Juvenile Justice), Docket Nos. CI-2010-046, CI-2010-047 and CI-2010-049. Commissioner Bonanni moved the draft decision and Commissioner Eskilson seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Wall and Jones).

The next case for consideration was the draft decision in Paterson State-Operated School District and Paterson Education Association, Docket No. CO-2011-283. Commissioner Boudreau moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Wall and Jones).

The next case for consideration was Howell Township Board of Education and Howell Township Education Association, Docket No. CO-2011-333. Commissioner Eskilson moved the draft decision and Commissioner Wall seconded the motion. Commissioner Bonanni was recused because the law firm of Cleary, Giacobbe, Alfieri & Jacobs is one of the labor counsels for Morris County. Commissioner Jones stated that the language in the recognition clause speaks for itself. It is clearly compatible what the duties were. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Hatfield, Commissioners

Boudreau, Eskilson and Wall), and one opposed (Commissioner Jones).

The next case for consideration was Gloucester County College and Gloucester County College Directors' Association, NJEA, Docket No. CU-2012-019. Commissioner Boudreau moved the draft decision and Commissioner Eskilson seconded the motion. Commissioner Jones stated he does not agree with the language modification to address the disqualification.

The motion to adopt the draft decision was approved by a vote of five in favor (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Wall), and one opposed (Commissioner Jones).

The next case for consideration was Paterson State-Operated School District and Paterson Education Association, Docket No. SN-2011-087. Commissioner Eskilson moved the draft decision and Commissioner Bonanni seconded the motion.

Commissioner Jones stated he was interested in the timeline. It appears they were doing this and then they stopped doing it.

General Counsel Martin Pachman responded they stopped doing it upon discovery that it violated the statute.

Commissioner Jones concluded by stating that is the problem he is having with this. Commissioner Jones abstained from voting. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Wall).

The next case for consideration was Rutgers, The State University of New Jersey and AFSCME, AFL-CIO, Council 52, Local 1761, Docket No. SN-2013-010. Commissioner Bonanni moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the draft decision was approved by a vote of five in favor (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Wall), and one opposed (Commissioner Jones).

The next case for consideration was Hainesport Township Board of Education and Hainesport Education Association, Docket No. SN-2013-021. Commissioner Boudreau moved the draft decision and Commissioner Eskilson seconded the motion. The motion to adopt the draft decision was approved by a vote of five in favor (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Wall), and one opposed (Commissioner Jones).

The next case for consideration was Borough of Glen Ridge and PBA Local 58, Docket No. SN-2013-025. Commissioner Bonanni moved the draft decision and Commissioner Eskilson seconded the motion. Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. Commissioner Jones is recused from voting on this matter because this case involves the Loccke law firm. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Bonanni and Eskilson).

The next case for consideration was Mercer County Sheriff's Office and PBA Local 187, Docket Nos. SN-2013-026, SN-2013-027 and SN-2013-028. Chair Hatfield explained there is an unusual situation in this case. Commissioners Wall, Bonanni and Eskilson are recused. Therefore we would have four Commissioners who could vote, but Commissioner Voos is not present today. This case is being tabled and will be voted on at the October Commission meeting.

The next case for consideration was City of Trenton and PBA Local 11, Docket No. SN-2013-035. Commissioner Boudreau moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Jones).

The next case for consideration was City of Trenton and PBA Local 11, Docket No. SN-2013-036. Commissioner Jones moved the draft decision and Commissioner Boudreau seconded the motion. Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Jones).

The last case for consideration was City of Trenton and PBA Local 11, Docket No. SN-2013-037. Commissioner Jones moved the

draft decision and Commissioner Boudreau seconded the motion. Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Bonanni, Eskilson and Jones).

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

The next special meeting is scheduled to be held on Thursday, October 17, 2013.

The next regular meeting is scheduled to be held on Thursday, October 31, 2013.