

MINUTES OF SPECIAL MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
October 17, 2013
10:30 a.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
Paula B. Voos

Also present were:

David Gambert, 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 "Notice of Special Meeting."

On October 10, 2013 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.

A roll call was initiated to confirm the Commissioners that were present and participated via the telephone conference call.

The first case for consideration was the draft decision in Burlington County Prosecutor's Office and Burlington County Prosecutor's Detectives, PBA Local 320, Docket No. IA-2012-016. Commissioner Jones moved the draft decision and Commissioner Voos seconded the motion.

Commissioner Eskilson stated that he understands that this was affirmed earlier except for the seniority issue. While he agrees that the arbitrator now has provided some thoroughness and clarity he can not say that he agrees with his conclusions. He further stated that he finds in the arbitrator's analysis the fact that the County did not go to cap in 2011 translates to a basket full of preserves available for one collective bargaining unit, and to bring in the nursing home analysis, a one time sale of 15 million, to somehow apply that that is available for spending on a contract is really disturbing. Commissioner Eskilson stated that he is going to vote to affirm but that he is really troubled by this decision.

Commissioner Bonanni stated he would like to echo those two issues in particular because they are policy issues. He agrees with Commissioner Eskilson that what would make going to cap good for one bargaining unit when you might have another 10 or 12 that you did not go to cap for. In reference to the sale of the

nursing home, the arbitrator really has no idea what the policies of the Board were as it pertained to the sale of that nursing home. I get where the arbitrator is going with his conclusion, but those are governing body policy decisions, they are not for an arbitrator to decide.

Chair Hatfield acknowledged all the comments that have been made. Part of the problem in this case is that the County did not provide the arbitrator with the necessary information for him to come to a different conclusion, so with that said I am not sure we could have come to a different conclusion.

Deputy General Counsel Christine Lucarelli-Carneiro responded that what might have been helpful to the County's position in addressing some of the concerns that Commissioners Eskilson and Bonanni have identified is if they would have produced a financial expert. The only financial expert testimony that the arbitrator had to consider was the one produced by the PBA.

Commissioner Bonanni asked if the County participated.

Ms. Lucarelli-Carneiro responded that they did participate. A lot of the issues that the County criticized the arbitrator for not addressing in the award were issues that in fact they had not given the arbitrator any information to consider.

Commissioner Jones stated that is exactly right and he understands what his fellow Commissioners have stated, but the statute is clear.

Commissioner Voos stated that she thinks that any arbitrator has to decide the case based on the facts that are presented to him or her. We do not rehear those case, we do not decide the case anew and ask for new facts. We have to see whether the arbitrator met the statutory criteria. This arbitrator did that given the facts that he had.

Commissioner Eskilson responded that he agreed, but he wanted his concerns to be noted in the record.

Commissioner Bonanni responded he agrees as well but he will have to regretfully vote for the decision, but he feels that Burlington just did not respond in an adequate way.

Ms. Lucarelli-Carneiro stated she just wanted to highlight that this contract is up in December and as soon as this award is implemented, not so soon thereafter they will be in negotiations for the next contract which will be subject to the 2% cap.

The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones and Voos).

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

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