

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
November 21, 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:

Paul Boudreau
John H. Eskilson
Paula B. Voos
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 November 15, 2013, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

The first item for consideration was the minutes of the October 17, 2013 special meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Boudreau. Commissioner Wall abstained because he was not present at this meeting. The motion to adopt the minutes was approved by a vote of four in favor (Chair Hatfield, Commissioners Boudreau, Eskilson and Voos), and one abstention (Commissioner Wall).

The next item for consideration was the minutes of the October 31, 2013 regular meeting. A motion to adopt the minutes was made by Commissioner Wall and seconded by Commissioner Voos. The motion to adopt the minutes was unanimously approved (Chair Hatfield, Commissioners Boudreau, Eskilson, Voos and Wall).

The Counsel's Office distributed a monthly report.

Deputy General Counsel Don Horowitz reported that we received a decision in one of our appeals which was an appeal of an interest arbitration award in Morris County Sheriff's Office and PBA Local 298. The Court said that the arbitrator, in awarding the increments, did so based on his interpretation of the expired agreement, thus improperly assuming the role of a grievance arbitrator. The Court held that the arbitrator should have instead considered the statutory criteria listed in the interest arbitration law in determining whether the increments should be awarded. As the interest arbitrator who issued the award has retired, a new arbitrator will be assigned to the case.

Two other cases of interest involve the dissolution of the Camden Police Department. One is an unresolved issue as to whether or not the citizens of Camden have the authority to put forward a ballot resolution that their police department be maintained. There is an issue of preemption by New Jersey law that the Court did not rule on. The other case involves a law suit filed in federal court by the FOP asserting that the City was requiring ticket quotas and that was unlawful. The Court case is not over, but both parties will submit briefs and arguments on how the dissolution of the City department would impact on the claim that had been made in federal court.

The first case for consideration was the draft decision in Robbinsville Township Board of Education and Washington Township Education Association, Docket No. CO-2010-484. Commissioner Eskilson moved the draft decision and Commissioner Boudreau seconded the motion. The motion was approved by a vote of four in favor (Chair Hatfield, Commissioners Boudreau, Eskilson and Wall), and one opposed (Commissioner Voos).

The next case for consideration was the draft decision in Probation Association of New Jersey and Peter Tortoreto and Robyn Ghee, Docket No. CI-2011-045. Commissioner Boudreau moved the draft decision and Commissioner Eskilson seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Eskilson, Voos and

Wall).

The next case for consideration was County of Union and International Brotherhood of Teamsters, Local 102, Docket No. SN-2013-017. Commissioner Eskilson moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Eskilson, Voos and Wall).

The next case for consideration was East Orange Board of Education and East Orange Education Association, Docket No. SN-2013-031. Commissioner Eskilson moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Eskilson, Voos and Wall).

The next case for consideration was Kingwood Township Board of Education and Kingwood Township Education Association, Docket No. SN-2013-046. Commissioner Voos moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Eskilson, Voos and Wall).

The next case for consideration was Atlantic City Board of Education and Atlantic City Education Association, Docket No. SN-2013-050. Commissioner Voos moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Boudreau, Eskilson, Voos and Wall).

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

The next regular meeting is scheduled to be held on Thursday, December 19, 2013.