

MINUTES OF MEETING  
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION  
March 27, 2014  
10:00 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  
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  
Kellie Hullfish, 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 19, 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 row 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 March 21, 2014, 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 January 30, 2014 regular meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Boudreau. The motion to adopt the minutes was approved by a vote of four in favor (Chair Hatfield, Commissioners Boudreau, Eskilson and Voos) and one opposed (Commissioner Jones).

The second item for consideration was the minutes of the February 27, 2014 regular meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Boudreau. The motion to adopt the minutes was approved by a vote of four in favor (Chair Hatfield, Commissioners Boudreau, Eskilson and Voos) and one opposed (Commissioner Jones).

At this time, Commissioner Bonanni arrived at the meeting.

The next item for consideration was the minutes of the March 10, 2014 special meeting. A motion to adopt the minutes was made by Commissioner Boudreau and seconded by Commissioner Eskilson. The motion to adopt the minutes was approved by a vote of five in favor (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson and Voos) and one abstained (Commissioner Jones).

At this time, Commissioner Wall arrived at the meeting.

The Chair explained that we have an appeal of an interest arbitration that we have to respond to by April 14, 2014 and an OAL case that we have an extension deadline. The appeal needs to

be decided by April 10. Chair Hatfield suggested 9:00 a.m. on Thursday, April 10, 2014.

Chair Hatfield stated in front of you there is a copy of the Interest Arbitration Task Force Report. There were four unanimous recommendations.

Chair Hatfield asked Deputy General Counsel Christine Lucarelli-Carneiro to talk about the Financial Disclosure Forms. Ms. Lucarelli-Carneiro stated its that time of year again Commissioner's, so I just want to issue my friendly reminder to please file your FDS forms. The deadline is May 1, 2014 and as you all know there is a fine if it is filed late, which I don't want any of you to incur, so please file it as soon as you can. Any questions just get in touch with me.

The Counsel's Office distributed a monthly report.

The first case for consideration was the draft decision in Newark State Operated School District and Newark Teachers Union and Christine Gillespie, Docket No. CI-2013-011. Commissioner Eskilson moved the draft decision and Commissioner Boudreau seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall).

The next case for consideration was the draft decision in Willingboro Board of Education and Willingboro Education Association and Antoinette Mascio, Docket No. CI-2013-051.

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

Commissioner Jones stated that he struggled with this case a lot generally because of one reason.

Deputy General Counsel Horowitz stated that whether or not the increment was withheld for disciplinary reasons was not the controlling issue in this case. Even if an increment is withheld for a disciplinary reason the majority representative is not per se obligated to fight and take it all the way to arbitration. They have the discretion to make a decision. They are not obligated to take every case unless there is something very clear in the contract and the New Jersey Supreme Court said the union controls which grievance goes to arbitration not the individual employee.

Commissioner Jones stated (inaudible) this went full circle for which is the crux of this argument as to whether there's a fair representation issue. We don't know because we don't have that letter and all the facts that they used to derive that opinion.

Deputy General Counsel Horowitz stated that the Director of Unfair Practices, based on our rules, is limited to evaluate the charge and the allegations in the charge and any amendments. Our

rules say the allegations, if true, may constitute an unfair practice. An allegation that a union declined to go to binding arbitration on an increment withholding, if true, is not, might not, may not constitute an unfair practice and that is the limits of her authority.

The next case for consideration was the draft decision in Newark State Operated School District and Newark Teachers Union, Docket No. CO-2011-220. Commissioner Jones moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall).

The next case for consideration was the draft decision in North Arlington Borough and North Arlington PBA Local No. 95, Docket No. CO-2013-133. Commissioner Voos moved the draft decision and Commissioner Bonanni seconded the motion. The motion to adopt the draft decision was approved by a vote of five in favor (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson and Voos), and two recused (Commissioners Jones and Wall). Commissioner Jones was recused from voting on this matter because this case involves the Loccke law firm. Commissioner Wall was recused from voting on this matter because of his affiliation with the PBA.

The next case for consideration was the draft decision in Township of Wall and PBA Local 234, Docket No. SN-2013-070.

Commissioner Voos moved the draft decision and Commissioner Boudreau seconded the motion.

Commissioner Jones stated that when you refer to something that's taking place not in the context of negotiations, in that context, I don't think that it's unique. This happens all the time.

General Counsel Pachman stated would the word specific help you there Commissioner instead of unique? You're looking at the first line of the 2nd full paragraph?

Commissioner Jones stated, do you understand what I am saying?

General Counsel Pachman stated yes.

Commissioner Jones suggested the word unique be changed to special.

The motion to adopt the draft decision changing the word unique to special was approved by a vote of five in favor (Chair Hatfield, Commissioners Boudreau, Eskilson, Jones and Voos), and two recused (Commissioners Bonanni and Wall). Commissioner Bonanni was recused because the law firm of Cleary, Giacobbe, Alfieri & Jacobs is one of the labor counsels for Morris County. Commissioner Wall was recused because of his affiliation with the PBA.

The next case for consideration was the draft decision in Livingston Township and Livingston Police Superior Officers Association, Docket No. SN-2013-071. Commissioner Eskilson moved the draft decision and Commissioner Boudreau seconded the motion. The motion to adopt the draft decision was approved by a vote of five in favor (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson and Wall), and two opposed (Commissioners Jones and Voos).

The last case for consideration was the draft decision in South Brunswick Township and South Brunswick Supervisor's Association, Docket No. SN-2013-074. Commissioner Jones moved the draft decision and Commissioner Boudreau seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall).

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 regular meeting is scheduled to be held on Thursday, April 24, 2014.