

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
June 26, 2008
10:00 a.m.
495 West State Street
Trenton, New Jersey

The meeting was called to order by Chairman Lawrence Henderson.

Present were:

Chairman: Lawrence Henderson

Commissioners:

Donald J. Buchanan
Kirsten S. Branigan
Cheryl G. Fuller
Pierre D. Joanis
Matthew U. Watkins

Also present were:

Mary Beth Hennessy-Shotter, Deputy General Counsel
Christine Lucarelli-Carneiro, Deputy General Counsel
Ira Mintz, General Counsel
Annette Thompson, who acted as Stenographer

At the commencement of the meeting, the Chairman, 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 20, 2007 a copy of such notice was:

(a) prominently posted in a public place at the offices of the Public Employment Relations Commission;

(b) mailed 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; and

(c) mailed to the Secretary of State for filing.

Furthermore on June 19, 2008, copies of an additional written "Notice of Meeting" were posted and mailed in a similar manner.

Chairman Henderson called the meeting to order. The first item for consideration was the regular minutes and executive minutes of the May 29, 2008 meeting. A motion to adopt the minutes was made by Commissioner Watkins and seconded by Commissioner Branigan. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Fuller, Joanis and Watkins). Commissioner Buchanan abstained.

Chairman Henderson reported that the agency is working on a five-year report on the School Employees Contract Resolution and Equity Act. The law was enacted in July 2003.

The Chairman stated that there is a continuing dialogue within the agency on how we can improve what we do. He asked the Commissioners to reach out to their constituents and colleagues to find out how we are doing and how we can improve our processes and procedures. The Chairman also welcomed any internal recommendations/suggestions from the Commissioners as well.

Commissioner Fuller inquired about recently proposed legislation involving interest arbitration. The Chairman responded that the agency is monitoring these bills and will be sure to keep the Commissioners posted on any new developments.

The General Counsel distributed his monthly report. He reported on one case of interest involving the agency, Yanovak v. Hanover Tp., in which a police officer sued the Township for retaliation and subpoenaed a former Commission staff agent who

had conducted an exploratory conference and tried to mediate a settlement of an unfair practice charge. During the course of the mediation the police chief allegedly made a comment to the mediator that the police officer would never get a promotion. The mediator notes were also subpoenaed. There is a mediator's privilege in the Commission's rules, a privilege in the court rules, and there is also the Uniform Mediation Act that also has a privilege. The agency filed a motion to quash those subpoenas in the Superior Court. The next day, after argument, the judge granted the agency's motion to quash the subpoenas, and later that same day the parties settled the lawsuit.

The General Counsel made note of a memorandum before the Commissioners involving delegation of authority to the Chairman. Since there are new Commissioners, it was decided this information would prove useful in reviewing past Commission actions that had delegated authority to the Chairman.

The next item for consideration was the Appointment to Special Panel of Interest Arbitrators. Commissioner Buchanan moved to add the name of Joe Licata to the Special Panel of Interest Arbitrators. Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Branigan, Fuller, Joanis and Watkins).

The next item for consideration was the Proposed Readoption of Appeal Board Rules. A motion to adopt the rules was made by

Commissioner Watkins and seconded by Commissioner Joanis. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Branigan, Fuller, Joanis and Watkins).

The first case for consideration was Parsippany-Troy Hills and PBA Locals 131 & 131A SOA, Docket Nos. CO-2008-096 & CO-2008-100. Commissioner Watkins moved the draft decision and Commissioner Buchanan seconded the motion. Chairman Henderson recused himself because he met with one of the attorneys involved in this case on a different matter and this case came up in discussions. Commissioner Branigan also recused herself because she has had an association with one of the attorneys in this case. Commissioner Joanis served as Acting Chairman. The motion was unanimously approved (Acting Chairman Joanis, Commissioners Buchanan, Fuller and Watkins).

The next case for consideration was Camden County College and Camden County College Association of Administrative Personnel & Camden County College Faculty Association, Docket Nos. CO-2008-295 & CO-2008-299. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Branigan, Fuller, Joanis and Watkins).

The next case for consideration was New Jersey State Judiciary (Camden Vicinage) and Probation Association of New Jersey (Case-Related Professional Unit), Docket No. SN-2008-037.

Commissioner Fuller moved the draft decision and Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Branigan, Fuller, Joanis and Watkins).

The next case for consideration was Wharton Borough Board of Education and Wharton Education Association, Docket No. SN-2008-042. Commissioner Branigan moved the draft decision and Commissioner Joanis seconded the motion. Commissioner Buchanan stated that this case has nothing to do with teaching because the staff member is a social worker who does not teach. The motion was approved by a vote of five in favor (Chairman Henderson, Commissioners Branigan, Fuller, Joanis and Watkins) and one opposed (Commissioner Buchanan).

The next case for consideration was Borough of Fort Lee and PBA Local 245, Docket No. SN-2008-056. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Branigan, Fuller, Joanis and Watkins).

The last case for consideration was Mahwah Township Board of Education and Mahwah Education Association, Docket No. SN-2008-059. Commissioner Branigan moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Branigan, Fuller, Joanis and Watkins).

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

The next meeting is scheduled to be held on Thursday, August 7, 2008 at 10:00 a.m.