

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
September 25, 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:

Kirsten S. Branigan
Donald J. Buchanan
Cheryl G. Fuller
Pierre D. Joanis
Matthew U. Watkins (participated by
phone in Hudson County, Dkt. No.
CI-2007-02 only)

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, 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 row addresses of 25 media outlets; and

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

Furthermore on September 18, 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 minutes of the August 7, 2008 meeting. A motion to adopt the minutes was made by Commissioner Fuller and seconded by Commissioner Joanis. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller and Joanis). Commissioner Branigan abstained.

The General Counsel distributed his monthly and supplemental reports. He reported on the Appellate Division's affirmance of the Commission decision in Middletown Tp. and PBA Local 124. This case involved shape-up or travel time and the employer's obligation to negotiate before eliminating that past practice.

The Port Authority PBA filed a petition for certification in the U.S. Supreme Court in a case involving the subcontracting of security services at the JFK terminal. In that case the NJ Supreme Court reversed the decision of the Port Authority Labor Relations Panel. The panel was represented in the NJ Supreme Court litigation by former General Counsel Bob Anderson. The PBA has asked the U.S. Supreme Court to consider this case arguing that the NJ Supreme Court inappropriately applied NJ law to the bi-state agency. The Panel is not taking a position on whether or not the US Supreme Court should take this case.

He concluded by commenting on the other cases listed on his supplemental report.

Don Horowitz, Appeal Board Counsel, reported that the Appeal Board is in court on two cases. Michael Jacobs and Teamsters Local 97 is an appeal of a Board decision ordering a reduction in the representation fees being paid by the petitioner from 85% to 70% of dues. Michael Sharp, et al. and NJ State Corrections Association and FOP Lodge 200 involves noncompliance with a Board order to refund \$265.50 each to six individuals named in the petition.

The first case for consideration was PBA Local 351-A (SOA) and Anthony Pizarro, Docket Nos. CI-2007-024, CI-2007-026 & CI-2007-027. Commissioner Fuller moved the draft decision and Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next case for consideration was County of Hudson and Patrick Desmond and Anthony Lopez, Docket No. CI-2007-032. Chairman Henderson recused himself because his name has been raised in this case. Commissioner Fuller also recused herself because she is employed in a capacity with the County of Hudson. Commissioner Joanis served as Acting Chairman. Commissioner Buchanan moved the draft decision and Commissioner Watkins seconded the motion. The motion was unanimously approved (Acting Chairman Joanis, Commissioners Branigan, Buchanan and Watkins).

The next case for consideration was FOP Lodge 12 and Sharon Davis, Docket No. CI-2008-015. Commissioner Branigan moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next case for consideration was County of Burlington and New Jersey State PBA Local 203 and Communications Workers of America, Local 1034, Docket No. RO-2007-089. Commissioner Joanis moved the draft decision and Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next case for consideration was County of Mercer and P.B.A. Local 167, Mercer County Correctional Officers, Docket No. SN-2008-063. Commissioner Fuller moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next case for consideration was the City of Hoboken and Hoboken Municipal Employees Association, Docket No. SN-2008-065. Commissioner Branigan moved the draft decision and Commissioner Joanis seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next case for consideration was the City of Trenton and P.B.A. Local No. 11, Docket No. SN-2008-076. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. Commissioner Branigan recused herself because she is involved in a matter against the law firm representing one of the parties in this case. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller and Joanis).

The next case for consideration was the Borough of North Arlington and North Arlington Policemen's Benevolent Association, Local No. 95, Docket No. SN-2008-077. Commissioner Fuller moved the draft decision and Commissioner Joanis seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next case for consideration was the Borough of East Rutherford and East Rutherford P.B.A. Local 275, Docket No. SN-2008-079. Commissioner Buchanan moved the draft decision and Commissioner Branigan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The last case for consideration was the State of New Jersey (Department of Transportation) and Jane Lyons, Docket No. CI-2007-065. Commissioner Fuller moved the draft decision and Commissioner Buchanan seconded the motion. The motion was

unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

The next item for consideration was the Supplemental Code of Ethics. At last month's Commission Meeting a supplemental code of ethics was adopted and submitted to the State Ethics Commission ("SEC") for approval. The SEC has requested a change that involves allowing an employee paid by a public institution to participate in a Commission proceeding involving that institution. The recusal rules do not permit waiver of recusal upon agreement of the parties. The SEC has requested that the language in the Commission's supplemental code be deleted to reflect same. A motion to adopt the recommended change was made by Commissioner Fuller and seconded by Commissioner Joanis. The motion was unanimously approved (Chairman Henderson, Commissioners Branigan, Buchanan, Fuller and Joanis).

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

The next meeting is scheduled to be held on Thursday, October 30, 2008 at 10:00 a.m.