

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
November 23, 2010
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:

Patrick V. Colligan
Adrienne E. Eaton
Cheryl G. Fuller
Sharon Krengel
Paula B. Voos
Matthew U. Watkins

Also present were:

Mary E. 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, 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 17, 2009 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 17, 2010, 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 28, 2010 meeting. A motion to adopt the minutes was made by Commissioner Fuller and seconded by Commissioner Eaton. Chair Hatfield abstained. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins).

Chair Hatfield greeted the Commissioners. She thanked Governor Christie for the honor of his nomination, Senator Tom Kean for ushering her through the confirmation process, Senators Nicholas Scutari and Raymond Lesniak for signing off on her nomination, and the Senate for their vote. She expressed how delighted she was to be here and looks forward to working with everyone. She further stated that she would be abstaining from voting on any of the decisions today, as she had just recently signed her oath of office and had just received the Commission agenda. She concluded by thanking Commissioner Voos for overseeing the Commission meetings over the last ten months.

The General Counsel opened by informing the Commissioners that Deputy General Counsel Don Horowitz's father passed away early Monday morning, and therefore Don would not be with us for today's meeting.

He continued by discussing his monthly and supplemental reports. He stated that there were three new appeals of Commission cases. The first case was the Town of Kearny which

involves an appeal of the Commission's affirmance of an interest arbitration award. The next case involves Flemington-Raritan Regional Bd. of Ed. in which the Board has appealed the Commission decision that permitted binding arbitration over compensation for workload increases and over an alleged transfer of unit work to non-unit employees. The last case involves Borough of Belmar which is an appeal of the Commission decision finding that temporary layoffs of employees in a Civil Service jurisdiction are mandatorily negotiable and not preempted by Civil Service regulations.

The first case for consideration was State-Operated School District of the City of Paterson and Paterson Education Association, Docket No. CO-2009-048. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. A discussion ensued. Commissioner Eaton recommended changes to the draft decision concerning clarification of the only available state health plan. The draft decision was amended by acclamation to incorporate the changes recommended by Commissioner Eaton. The motion was approved by a vote of three in favor (Commissioners Fuller, Krengel and Watkins), with two opposed (Colligan and Voos), and two abstaining (Chair Hatfield and Commissioner Eaton).

The next case for consideration was City of Hoboken and Hoboken Municipal Supervisors Association, Docket No. SN-2010-

067. Commissioner Watkins moved the draft decision and Commissioner Voos seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins). Chair Hatfield abstained.

The next case for consideration was Township of Egg Harbor Board of Education and Township of Egg Harbor Education Association, Docket No. SN-2010-069. Commissioner Colligan moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins). Chair Hatfield abstained.

The next case for consideration was Town of Hammonton and Mainland PBA Local 77, Docket No. SN-2010-076. Commissioner Fuller moved the draft decision and Commissioner Watkins seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The vote was two in favor (Commissioners Fuller and Watkins), with four abstentions (Chair Hatfield and Commissioners Eaton, Krengel and Voos). There were not enough affirmative votes to approve the draft decision. The case will be placed on next month's agenda.

The next case for consideration was Township of South Orange Village and Policemen's Benevolent Association, Local No. 12 and Policemen's Benevolent Association, Local No. 12A Superior Officers Association, Docket Nos. SN-2011-004 & SN-2011-005.

Commissioner Fuller moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. A discussion ensued concerning contract language and when 1½% salary increases take effect. The motion was approved by a vote of four in favor (Commissioners Eaton, Fuller, Krengel and Voos), and one opposed (Commissioner Watkins). Chair Hatfield abstained.

The next case for consideration was Township of Franklin and Franklin PBA Local No. 154, Docket No. SN-2011-011. Commissioner Eaton moved the draft decision and Commissioner Voos seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was unanimously approved (Commissioners Eaton, Fuller, Krengel, Voos and Watkins). Chair Hatfield abstained.

The next case for consideration was Township of Edison and International Association of Fire Fighters Local No. 1197, Docket No. SN-2011-014. Commissioner Krengel moved the draft decision and Commissioner Eaton seconded the motion. The motion was approved by a vote of four in favor (Commissioners Colligan, Eaton, Krengel and Voos), and two opposed (Commissioners Fuller and Watkins). Chair Hatfield abstained.

The last case for consideration was Borough of Keyport and International Union of Operating Engineers, Local 68, Docket Nos. CO-2010-065 & SN-2010-072. Commissioner Watkins moved the

draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins). Chair Hatfield abstained.

Commissioner Fuller moved a resolution to enter into Executive Session to discuss personnel matters and Commissioner Watkins seconded the motion. The Commission then voted unanimously to go into executive session (Commissioners Colligan, Eaton, Fuller, Krengel, Voos and Watkins). Commissioner Hatfield abstained. The minutes of that session are recorded separately.

After the Commissioners returned from Executive Session, Commissioner Voos made a motion to adjourn the meeting and Commissioner Watkins seconded the motion. The motion was unanimously approved. The meeting was then adjourned.

The next meeting is scheduled to be held on Thursday, December 16, 2010 at 10:00 a.m.