

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
April 28, 2011
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
Patrick V. Colligan
Adrienne E. Eaton
Sharon Krengel
Paula B. Voos

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, Deputy General Counsel
Christine Lucarelli-Carneiro, Deputy 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 16, 2010 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 April 21, 2011, 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 March 31, 2011 meeting. A motion to adopt the minutes was made by Commissioner Colligan and seconded by Commissioner Eaton. The motion was unanimously approved (Chair Hatfield, Commissioners Bonanni, Colligan, Eaton, Kregel and Voos).

Chair Hatfield advised the Commissioners that they were being given backup materials today for appeals to the Commission from three interest arbitration awards. In two of the cases, the awards were issued after the amended interest arbitration law took effect that requires the Commission to issue a decision within 30 days after it receives an appeal. The other award was issued before the law was amended. While the 30-day window does not apply that case is ready for a Commission decision. It is anticipated that on May 5, 2011 at 10:00 a.m., the Commission will hold a telephone conference to review the appeal and issue a decision on the interest arbitration award involving the Hunterdon County Sheriff. As to the backup material involving Hunterdon County Correction Officers, the Commissioners will be notified as to when this case will be reviewed. The Commission will also hold a telephone conference on May 13, 2011 at 10:00 a.m. to review interest arbitration awards involving Atlantic County and Bloomingdale Borough, and will be prepared to issue decisions on these awards. Draft decisions will be

electronically mailed to all Commissioners before the scheduled telephone conferences.

The Counsel's Office distributed a monthly report.

Don Horowitz, Deputy General Counsel, reported on the Fort Lee decision issued by the Appellate Division of the Superior Court. The Commission's decision on an appeal of an interest arbitration award was affirmed by the Court. The employer's primary argument was that the award mandated that holiday pay be considered part of base pay for pension purposes. The Court held that the arbitrator did not make such a ruling and the issue was within the jurisdiction of the Division of Pensions. The Court held that the arbitration award met all the criteria listed in the arbitration law and deserved to be affirmed.

Commissioner Colligan asked about the issue brought up at the conference about LEXIS no longer providing online access to the Commission's decisions. Mr. Horowitz responded that his understanding is that Thompson-Reuters, which owns Westlaw, the main competitor of LEXIS, purchased Labor Relations Press, the company that has published our decisions since 1975 as well as those of other similar labor relations agencies. A few weeks ago, without any notice, the New Jersey Public Employee Reporter database disappeared from LEXIS. This affects our research ability within the agency and those of many practitioners who represent labor and management clients before the Commission.

Commissioner Colligan asked about the Commission not filing a brief with the appellate court in support of the agency's decision in the Belmar case. Mr. Horowitz responded that issue resides with the Chair. Chair Hatfield responded that a Statement in Lieu of Brief has been filed with the court in support of the decision. Ms. Hennessy-Shotter responded that oral argument has not been scheduled in the Belmar case. She advised that Belmar has been consolidated with the Mt. Laurel cases and Keyport, which are on hold because the Township settled in the case involving Mt. Laurel and the CWA, and is currently in settlement discussions with AFSCME. Ms. Hennessy-Shotter advised that the Commission filed a brief in the Keyport matter. Mr. Horowitz explained that the court rules require that an agency file either a full Brief or a Statement in Lieu of Brief, and the latter is filed in cases where the direct parties can be expected to vigorously present their arguments.

The first case for consideration was State of New Jersey, Department of Environmental Protection and Gary Lipsius, Docket No. CI-2006-022. Commissioner Voos moved the draft decision and Commissioner Eaton seconded the motion. The motion was unanimously approved (Chair Hatfield, Commissioners Bonanni, Colligan, Eaton, Krengel and Voos).

The next case for consideration was County of Burlington and PBA Local 249, Docket Nos. SN-2010-056, SN-2010-057 & SN-2010-

080. Commissioner Eaton moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eaton, Kregel and Voos).

The next case for consideration was City of Union City and Patrolmen's Benevolent Association, Local 8, Docket No. SN-2010-085. Commissioner Kregel 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 (Chair Hatfield, Commissioners Bonanni, Eaton, Kregel and Voos).

The last case for consideration was Union County Prosecutor's Office and PBA Local 250, Docket No. SN-2011-015. Commissioner Bonanni moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Colligan recused himself because of his affiliation with the PBA. The motion was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eaton, Kregel and Voos).

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

The next meeting is scheduled to be held on Thursday, May 26, 2011 at 10:00 a.m.