

MINUTES OF SPECIAL MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
October 14, 2011
11:00 a.m.
495 West State Street
Trenton, New Jersey

The meeting was called to order by Chair P. Kelly Hatfield.

Present by telephone were:

Commissioners:

John Bonanni
John Eskilson
Sharon Krengel
Paula B. Voos

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
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 "Notice of Special Meeting."
On October 12, 2011 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.

A roll call was initiated to confirm all Commissioners were present on the telephone. Commissioners Wall and Jones were not present because they were recused from voting on the two cases on the agenda.

The first item for consideration was Mercer County Prosecutor and Prosecutor's Detectives and Investigators PBA Local 339 and Prosecutor's Superior Officers Association, Docket Nos. IA-2010-069 & IA-2010-070. Commissioner Voos moved the draft decision and Commissioner Krengel seconded the motion. Commissioner Bonanni commented that even though there is a new cap law out the counties, in particular, used the most restrictive one, and its not the new one, in fact the most restrictive cap law used by the counties is that old 1977 cap law. He continued by stating that there are two cap laws sitting out there for the counties to use and he does not know why Mercer did not make that argument. There was no actual data either. The arbitrator decided that it is within the cap yet there were no calculations. I would like to see some data when they say it does not impact the cap, rather than just words. He asked if an opinion could be issued about whether or not step movements or increments, however you want to refer to them, is within the new interest arbitration bill or outside the bill. Chair Hatfield responded that the new interest arbitration law states that the 2% cap is on the base salary. It specifically states that the

base salary includes both increments, longevity and any other economic issue that was rolled into the base salary.

Commissioner Eskilson stated he agrees with Commissioner Bonanni's comments about the applicability of the 1977 cap. He continued by stating that the wrong cap is being referenced in this decision. The 1977 cap is a more problematic cap. The problem is much more acute than the 2% cap. He stated that he is troubled that there are reams of financial data without any math or calculations. The reference to salaries as a percentage of the budget is irrelevant, with respect to the cap. Ms. Hennessy-Shotter responded the 1977 argument was not made and perhaps, at the discretion of the Chair, maybe the interest arbitrator should be made aware of it. It was not argued by the parties, and therefore we can only go with the record we have before use. Commissioner Eskilson stated that he understands it was problematic and it was not raised and so therefore we really can not insert our opinions as to this and make this a reason to remand back to the arbitrator. I am still troubled by what I think is a rather cursory dealing with the cap issue. Regardless of whether it is the right cap reference or not. The motion to adopt the draft decision was approved by a vote of three in favor (Chair Hatfield, Commissioners Kregel and Voos), and two opposed (Commissioners Bonanni and Eskilson).

The next case for consideration was Borough of North Arlington and Police Benevolent Association Local 95, Docket No. IA-2011-050. Commissioner Voos moved the draft decision and Commissioner Krengel seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel and Voos).