

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
December 15, 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
John H. Eskilson
Sharon Krengel
Paula B. Voos
Richard Wall

Also present were:

David Gambert, Deputy General Counsel
Mary E. Hennessy-Shotter, Deputy General Counsel
Don Horowitz, Deputy General Counsel
Martin R. Pachman, 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 December 8, 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 October 14, 2011 special meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Krengel. The motion to adopt the minutes was unanimously approved (Chair Hatfield, Commissioners Eskilson, Krengel and Voos).

The next item for consideration was the minutes of the November 22, 2011 meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Krengel. The motion to adopt the minutes was unanimously approved (Chair Hatfield, Commissioners Eskilson, Krengel and Voos).

The next item for consideration was Adoption of the Annual Notice of Regularly Scheduled Meetings for 2012. Commissioner Eskilson moved that the Annual Notice of Meeting be approved and Commissioner Krengel seconded the motion. The motion was unanimously approved (Chair Hatfield, Commissioners Eskilson, Krengel and Voos).

Chair Hatfield advised the Commissioners that there was a new interest arbitration appeal involving the City of Millville. A suggested meeting date of December 28, 2011 at 2:00 p.m. was scheduled.

The Counsel's Office distributed a monthly report.

Don Horowitz, Deputy General Counsel, reported that there were appeals from two of our decisions reviewing interest arbitration awards. There is also an appeal from a decision issued in March, but the attorney representing the appealing party did not timely serve our office with the Notice of Appeal. The appellant eventually served us with the notice after being informed that the appeal would be dismissed by the Appellate Division if the Commission was not served. An interim relief order was issued in Town of West New York and CWA denying interim relief related to a raise payable the day after a contract expired and the CWA has asked the Appellate Division to grant interlocutory review which occurs very rarely.

As far as other cases, Thomas v. Newark Police Dept. is an interesting case. Also, Ramsey Bd. of Ed. and Ramsey Teachers Ass'n, which was issued by the Commissioner of Education, involves the statute governing salary guides for teaching staff, which provides that a school board can only agree to a salary guide of no more than three years in length.

Commissioners Bonanni and Wall joined the meeting at this time.

The first case for consideration was County of Hunterdon and AFSCME Council 73, Docket Nos. RO-2009-039 & RO-2009-044. Commissioner Voos moved the draft decision and Commissioner Eskilson seconded the motion. Commissioner Eskilson asked about

the request for review being granted in part. Mr. Horowitz responded there were a total of four issues raised, and one of the issues was a request for a hearing. Commissioner Krengel commented about this case coming back around for a second time and the burden being on the county to submit supporting documentation. Mr. Pachman responded that a representation case is different from an unfair practice case in the following way. In an unfair practice case each party bears their own burden of proof, and if they don't meet it they lose. In a representation case they are not to be construed as adversarial hearings, they are fact-finding hearings. The burden is on the Commission to accumulate all of the facts needed to reach a conclusion as to the appropriate status of different employees or whatever the issue may be. When this case was looked at it was determined that there were significant facts that neither side brought out that really should have been on the table to help the Commission make an appropriate determination. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel, Wall and Voos).

The next case for consideration was Borough of Madison and International Brotherhood of Teamsters, Local 469, Docket No. SN-2011-043. Commissioner Eskilson moved the draft decision and Commissioner Wall seconded the motion. The motion to adopt the

draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel, Wall and Voos).

The next case for consideration was Atlantic City Board of Education and Atlantic City Education Association, Docket No. SN-2011-053. Commissioner Voos moved the draft decision and Commissioner Wall seconded the motion. Commissioner Bonanni recused himself because he is conducting business with the DeCotiis law firm not related to labor issues. Commissioner Krengel suggested a minor change involving a footnote indicating no certification was submitted by one of the grievants. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Eskilson, Krengel, Wall and Voos).

The last case for consideration was Hamilton Township Board of Education and Hamilton Township Education Association, Docket No. SN-2011-064. Commissioner Voos moved the draft decision and Commissioner Eskilson seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel, Wall and Voos).

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

The next regular meeting is scheduled to be held on Thursday, January 26, 2012 at 10:00 a.m.