

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
May 31, 2012
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
Christine Lucarelli-Carneiro, 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 15, 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.

Furthermore on May 25, 2012, 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 April 20, 2012 special meeting. A motion to adopt the minutes was made by Commissioner Bonanni and seconded by Commissioner Krengel. Commissioners Jones and Wall were not present at the meeting because they were recused from voting. The motion to adopt the minutes was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel and Voos).

The next item for consideration was the minutes of the April 26, 2012 regular 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 Bonanni, Eskilson, Krengel, Voos and Wall).

The next item for consideration was the minutes of the May 3, 2012 special meeting. A motion to adopt the minutes was made by Commissioner Voos and seconded by Commissioner Krengel. Commissioners Jones and Wall were not present at the meeting because they were recused from voting. The motion to adopt the minutes was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel and Voos).

Chair Hatfield advised the Commissioners that there is a new interest arbitration appeal which involves Cumberland County. A suggested meeting date of Monday, June 25, 2012 at 1:00 p.m. was scheduled.

The Counsel's Office distributed a monthly report.

Don Horowitz, Deputy General Counsel, reported that the Fort Lee case has been officially dismissed. He commented on a Supreme Court decision in the school administrator's case on capping retirement pay-outs and making it clear that payment for unused sick leave for administrators is only available upon retirement. Mr. Horowitz continued his reporting directing attention to a case involving deferred compensation for voluntary emergency responders. He noted there were several other cases involving grievance arbitration Appellate Division decisions. Mr. Horowitz concluded by reporting there was one new appeal of a Commission decision involving Milltown. This was a case where the Commission was divided 2-2 and will be decided by the court, which involves an appeal of an interest arbitration award.

The first case for consideration was the draft decision in Township of Morris and Morris County Council No. 6, IFPTE, AFL-CIO, Docket No. CO-2011-027. Commissioner Krengel moved the draft decision and Commissioner Voos seconded the motion. Commissioners Bonanni and Eskilson were recused from voting because this matter involved the Knapp law firm. The motion to adopt the decision was unanimously approved (Chair Hatfield, Commissioners Krengel, Voos and Wall).

Next for consideration was the draft decision in City of Linden and Linden Supervisors Association, Docket No. CU-2010-

025. Commissioner Eskilson moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Krengel stated that she was not sure how to interpret the position on the affidavits of what staff members do in relation to the statute. Ms. Hennessy-Shotter responded that the affidavits that were provided did not provide the hire/fire/discharge. Basic supervision means that you have to have some sort of authority over the other employee, and here they just did not have it. That does not mean they were not entitled to representation, they are just not in the supervisor's unit and will probably end up in the rank and file unit. Commissioner Krengel asked if the individuals supervising other employees are not hire/fire enough? Ms. Hennessy-Shotter responded that they are not the decision-makers. The motion to adopt the decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel, Voos and Wall).

The next case for consideration was State of New Jersey Judiciary, Administrative Office of the Courts and Communications Workers of America, AFL-CIO, Docket No. SN-2011-088. This item was pulled from the agenda pending settlement negotiations.

The next case for consideration was Township of Plainsboro and Teamsters Local 701, Docket No. SN-2012-001. A motion to adopt the draft decision was made by Commissioner Voos and seconded by Commissioner Krengel. The motion to adopt the

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

David Gambert, Deputy General Counsel, left the meeting at this time.

The last case for consideration was the draft decision in Essex County College and Essex County College Faculty Association, Docket No. SN-2012-002. Commissioner Eskilson moved the draft decision and Commissioner Bonanni seconded the motion. The motion to adopt the decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel, Voos and Wall).

Mr. Gambert returned to the meeting.

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

The next regular meeting is scheduled to be held on Thursday, June 28, 2012 at 10:00 a.m.