

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
April 25, 2013
10:00 p.m.
495 West State Street
Trenton, New Jersey

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

Present were:

Commissioners:

John Bonanni
Paul Boudreau
John H. Eskilson
David Jones
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 13, 2012 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 row 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 19, 2013, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

Chair Hatfield stated that the minutes of the regular meeting held on March 21, 2013 and the special meeting held on April 18, 2013 will be included in the next mailing packet and will be voted on at the May 30, 2013 Commission meeting.

Chair Hatfield advised the Commissioners that there are two new interest arbitration appeals involving City of Camden and Camden Organization of Police Superiors and City of Atlantic City and PBA Local 24. A suggested meeting date of Monday, May 13, 2013 at 11:00 a.m. was scheduled.

The Counsel's Office distributed a monthly report.

Deputy General Counsel Don Horowitz reported that one of our decisions, Atlantic City Board of Education, was affirmed by the Appellate Division. Another case of interest involves a decision of the Supreme Court in Borough of East Rutherford and East Rutherford PBA Local 275 affirming a grievance arbitration award which at one time had come to the agency as a scope matter.

The first case for consideration was the draft decision in City of Newark and Fraternal Order of Police, Newark Lodge No. 12, Docket No. CO-2008-339. Commissioner Jones moved the draft decision and Commissioner Voos seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall).

The next case for consideration was Paterson State Operated School District and Paterson Education Association, Docket No. CO-2011-177. Commissioner Wall moved the draft decision and Commissioner Voos seconded the motion. Commissioner Jones stated that historically when we have had a remedy such as this we would remove the derogatory letter. He asked why is the derogatory letter being maintained in the personnel file. General Counsel Martin Pachman responded that the concern was that if the defensive letter was removed in its entirety it would leave a gap in the record somewhere. In order to find out what happened in the case it would require that both the internal records in reference to the grievance and the discipline, and also the PERC decision would need to be available. By doing it this way the original letter is left end, marking it revised, and that way it is clear that due to authority outside of the local board the letter has been changed. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall).

The next case for consideration was Ridgefield Board of Education and Ridgefield Teaching Assistants Association, Docket No. CO-2011-494. Commissioner Boudreau moved the draft decision and Commissioner Bonanni seconded the motion. The motion to adopt the draft decision was approved by a vote of five in favor (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson and Wall), and two opposed (Commissioners Jones and Voos).

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

The next case for consideration was County of Camden & County of Camden Sheriff's Office and Camden County Sheriff's Officers PBA Local 277 & Superior Officers Association, Docket No. CO-2012-296. Commissioner Eskilson moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. Commissioner Jones is recused from voting on this matter because this case involves the Loccke law firm. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson and Voos).

Mr. Gambert returned to the meeting.

The next case for consideration was City of Newark and SEIU Local 617, Docket No. SN-2012-059. Commissioner Voos moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones, Voos and Wall).

The next case for consideration was County of Hudson and Hudson County Corrections PBA Local 109A, Docket No. SN-2012-069. Commissioner Boudreau moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Wall is recused from

voting on this matter because of his affiliation with the PBA. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones and Voos).

The next case for consideration was City of Atlantic City and Atlantic City Police Superior Officers Association, Docket No. IA 2013-011. Commissioner Voos moved the draft decision and Commissioner Eskilson seconded the motion. There was some discussion concerning whether the Superior Officers Association ("SOA") pays dues to the Police Benevolent Association. Mr. Pachman stated that from this point on when we receive a SOA application we will follow up with a new pattern letter that asks the parties to please advise if the SOA is affiliated with any of the state-wide police organizations, which should clear it up for the agency, as well as for the issue of any recusals.

Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Boudreau, Eskilson, Jones and Voos).

The last case for consideration was Borough of Wallington and PBA Local 321, Docket No. SN-2012-071. Commissioner Eskilson moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Wall is recused from voting on this matter because of his affiliation with the PBA. Commissioner Jones is

recused from voting on this matter because this case involves the Loccke law firm. Commissioner Voos commented that she felt the union's argument was not minimum staffing level but about public safety. Mr. Gambert stated that they could have provided a certification that safety may have been an issue. There was no certification submitted. On its face staffing levels are neither mandatorily or permissibly negotiable. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Hatfield, Commissioners Bonanni, Boudreau and Eskilson), and one opposed (Commissioner Voos).

Deputy General Counsel Christine Lucarelli-Carneiro made a reminder announcement that all Financial Disclosure Statements are due by May 15, 2013.

The meeting was then adjourned.

The next regular meeting is scheduled to be held on Thursday, May 30, 2013.