

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
May 30, 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 H. Eskilson
David Jones
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
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 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 24, 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 tabled for the June 27, 2013 Commission Meeting.

The first item for consideration was the minutes of the April 25, 2013 regular meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Voos. Commissioner Jones abstained. The motion to adopt the minutes was approved by a vote of three in favor (Chair Hatfield, Commissioners Eskilson and Voos), and one abstention (Commissioner Jones).

The next item for consideration was the minutes of the May 13, 2013 special meeting. A motion to adopt the minutes was made by Commissioner Eskilson and seconded by Commissioner Voos. Commissioner Jones abstained. The motion to adopt the minutes was approved by a vote of three in favor (Chair Hatfield, Commissioners Eskilson and Voos), and one abstention (Commissioner Jones).

Chair Hatfield advised the Commissioners that there is a new interest arbitration appeal involving Borough of Tenafly and PBA Local 376, Docket No. IA-2013-018. A suggested meeting date of Thursday, June 13, 2013 at 10:00 a.m. was scheduled.

Deputy General Counsel Don Horowitz introduced Dunnell Ridore who will be working with the agency as a summer intern.

Mr. Ridore is entering his third year at Dickinson School of Law, which is associated with Pennsylvania State University. He is quite interested in labor and employment law, including public sector.

The Counsel's Office distributed a monthly report.

Mr. Horowitz reported on a case involving Costanzo v. Lebanon Borough Bd. of Ed. He further stated that this case is interesting because it discusses primary jurisdiction. There is a case out there on appeal in which we issued a decision on an aspect of a pending unfair practice charge and then a Judge took it upon himself to issue a contrary decision after we had ruled on the same issue, and it is on appeal. Although the court did not allow us to come into that case. Primary jurisdiction is why we were interested in getting into the case to say we are supposed to have primary jurisdiction over unfair practice charges, and the trial court judge should not be ruling on what we rule on in the first instance.

The first case for consideration was the draft decision in North Hudson Regional Fire & Rescue and North Hudson Firefighters Association, Docket No. CO-2011-153. 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 Eskilson, Jones and Voos).

The next case for consideration was Township of Edison and International Association of Firefighters, Local 1197, Docket No. CO-2011-301. Commissioner Eskilson moved the draft decision and Chair Hatfield seconded the motion. The motion to adopt the draft decision was approved by a vote of three in favor (Chair Hatfield, Commissioners Eskilson, and Voos), and one opposed (Commissioner Jones).

The next case for consideration was New Jersey State Judiciary (Camden Vicinage) and Probation Association of New Jersey (Professional Supervisors Union), Docket No. SN-2012-051. Commissioner Eskilson moved the draft decision and Commissioner Hatfield seconded the motion. The motion to adopt the draft decision resulted in a 2-2 tie vote. It was decided that due to the absence of three Commissioners at this month's meeting this case would be tabled for the June 27, 2013 Commission Meeting.

The next case for consideration was New Jersey State Judiciary (Monmouth Vicinage) and Probation Association of New Jersey (Professional Supervisors Union), Docket No. SN-2012-054. Commissioner Eskilson moved the draft decision and Chair Hatfield seconded the motion. The motion to adopt the draft decision resulted in a 2-2 tie vote. It was decided that due to the absence of three Commissioners at this month's meeting this case would be tabled for the June 27, 2013 Commission Meeting.

The next case for consideration was Township of Montclair and PBA Local 53, Docket No. SN-2012-074. 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 Eskilson, Jones and Voos).

The next case for consideration was Somerset County Sheriff's Office and FOP Lodge 39, Docket No. SN-2013-002. 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 Eskilson, Jones and Voos).

The next case for consideration was Township of Jefferson and Office and Professional Employees International Union, Local 32, Blue Collar Unit, Docket No. SN-2013-006. There was a recusal issue involving Commissioner Eskilson. Commissioner Eskilson advised the Commission that the collective bargaining process with the law firm Mets, Schiro and McGovern ended over a year ago. It was decided that this case would be tabled for the June 27, 2013 Commission Meeting.

The last item for consideration was the Proposed Readoption of Title 19, Chapter 12. Mr. Horowitz stated there are two minor amendments that are proposed. It will read in the first section of the rules that all forms needed to invoke jurisdiction are

available online. The other change is that when a grievance arbitrator who is appointed from our list issues a decision we would have the grievance arbitrator send an electronic copy of the award to the Director of Conciliation/Arbitration.

Commissioner Jones asked if we could include some type of acknowledgment indicating that the award has been received by electronic submission. Commissioner Eskilson suggested that as a matter of internal policy we should record the date of receipt of the award. Commissioner Eskilson moved to adopt the proposed readoption and Commissioner Jones seconded the motion. The proposed readoption was unanimously approved (Chair Hatfield, Commissioners Eskilson, Jones and Voos).

The meeting was then adjourned.

The next regular meeting is scheduled to be held on Thursday, June 27, 2013.