

MINUTES OF MEETING  
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION  
August 7, 2008  
10:00 a.m.  
495 West State Street  
Trenton, New Jersey

The meeting was called to order by Chairman Lawrence Henderson.

Present were:

Chairman: Lawrence Henderson

Commissioners:  
Donald J. Buchanan  
Cheryl G. Fuller  
Pierre D. Joanis  
Matthew U. Watkins

Also present were:

Mary E. Hennessy-Shotter, Deputy General Counsel  
Christine Lucarelli-Carneiro, Deputy General Counsel  
Ira Mintz, General Counsel  
Annette Thompson, who acted as Stenographer

At the commencement of the meeting, the Chairman, 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 20, 2007 a copy of such notice was:

(a) prominently posted in a public place at the offices of the Public Employment Relations Commission;

(b) mailed 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; and

(c) mailed to the Secretary of State for filing.

Furthermore on July 31, 2008, copies of an additional written "Notice of Meeting" were posted and mailed in a similar manner.

Chairman Henderson called the meeting to order. The first item for consideration was the minutes of the June 26, 2008 meeting. A motion to adopt the minutes was made by Commissioner Fuller and seconded by Commissioner Joanis. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

The General Counsel distributed his monthly and supplemental reports. He reported on the Appellate Division's reversal of the Commission decision in Township of Toms River and Teamsters Local 97. In this case, the Commission found that the Union could arbitrate a grievance seeking overtime work, after the employer subcontracted to have trees removed and the subcontractors worked on Saturdays. The Court concluded that under Local 195, since Saturday work was an incidental part of the subcontract, the grievance was not arbitrable.

The first case for consideration was New Jersey State Judiciary (Camden Vicinage) and Probation Association of New Jersey (Professional Case-Related Unit), Docket No. SN-2008-036. Commissioner Watkins moved the draft decision and Commissioner Fuller seconded the motion. Commissioner Fuller questioned what the arbitration would yield. Commissioner Joanis stated he felt the issue was frivolous. The General Counsel responded that a frivolous grievance is not necessarily a non-negotiable, non-arbitrable grievance. He continued by stating that the Union is

alleging that inaccurate information was released, and that management was disparaging the union leadership by stating that the Union did not take this case to Step 2 of the grievance procedure. Commissioner Fuller asked whether the grievance would be legally arbitrable because it is in the contract. The General Counsel responded that whether or not it is in the contract does not change negotiability. The motion was approved by a vote of four in favor (Chairman Henderson, Commissioners Buchanan, Fuller and Watkins), and one opposed (Commissioner Joanis).

The next case for consideration was City of Newark and SEIU Local 617, Docket No. SN-2008-064. Commissioner Watkins moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

The next case for consideration was Robbinsville Board of Education and Washington Township Education Association, Docket No. SN-2008-069. Commissioner Fuller moved the draft decision and Commissioner Buchanan seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

The next case for consideration was State of New Jersey and New Jersey Investigators Association, Fraternal Order of Police Lodge 174, Docket No. SN-2008-073. Commissioner Fuller moved the draft decision and Commissioner Buchanan seconded the motion.

The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

The next case for consideration was Township of Little Falls and Little Falls P.B.A. Local 346, Docket No. SN-2008-075.

Commissioner Watkins moved the draft decision and Commissioner Joanis seconded the motion. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

The next item for consideration was the Adoption of Report to the Governor and the Legislature, The First Five Years Under The "School Employees Contract Resolution and Equity Act," P.L. 2003, c.126; N.J.S.A. 34:13A-31 et seq., Effects on Negotiations and Settlement, July 2008. A motion to adopt the report was made by Commissioner Watkins and seconded by Commissioner Fuller. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

The last item for consideration was the Adoption of Revised Supplemental Code of Ethics. A motion to adopt the code was made by Commissioner Fuller and seconded by Commissioner Buchanan. The motion was unanimously approved (Chairman Henderson, Commissioners Buchanan, Fuller, Joanis and Watkins).

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

The next meeting is scheduled to be held on Thursday,  
September 25, 2008 at 10:00 a.m.