MINUTES OF SPECIAL MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
May 30, 2012
10:00 a.m.
495 West State Street
Trenton, New Jersey

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

Present by telephone were:

Commissioners:

John Bonanni
John H. Eskilson
David Jones
Sharon Krengel
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 "Notice of Special Meeting." On May 25, 2012 a copy of such notice was:
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> (a) prominently posted in a public place at the offices of the Public Employment Relations Commission;
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> (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;
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> (c) mailed to the Secretary of State for filing; and
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> (d) posted on the agency's web site.

A roll call was initiated to confirm the Commissioners that were present on the telephone. Commissioner Wall was not present because he was recused from voting.

The first item for consideration was County of Burlington and Burlington County Proseuctor's Office and Burlington County Prosecutor's Detectives PBA Local 320, Docket No. IA-2012-016. Commissioner Eskilson moved the draft decision and Chair Hatfield seconded the motion. Commissioner Krengel stated she agrees with most of the decision but takes issue with the part of the decision that talks about the arbitrator's language around seniority. The arbitrator uses the language "job relevant qualifications of employees", given the nature of the unit, this language seems sufficient. Martin Pachman, General Counsel, responded that the reason the decision should be remanded back to the arbitrator for clarification is because in the context of the award the arbitrator was quite evidently trying to track other language that we had approved officially before. Then when he actually wrote the award he did not quite track that. One of the things we need to be sensitive to is to not allow language, particularly disputed language, that is going to cause further grievances later. Grievances that involve disputed language will end up in arbitration and will end up back before the Commission. This easiest way to resolve this matter was to send it back to the arbitrator for clarification. Commissioner Voos commented

that job relevant qualifications is something that is broad enough that management can use in other instances. She felt the language was perfectly good. Commissioner Jones commented that the Prosecutor's Office is so unique in that they have some very original and highly qualified positions. Commissioner Eskilson agreed with Commissioner Jones that the Prosecutor's Office does have some unique positions that vary and differ greatly from rank and file police department situations. Commissioner Bonanni commented that he was in agreement with Commissioner Jones and Commissioner Eskilson. Commissioner Krengel asked what sort of language the Commission is looking for. Mr. Pachman responded that the arbitrator is being given guidance as to what kind of language is generally acceptable. The Union County case gives us more generally accepted language that everyone understands. It is not the Commission's place to redefine language that the arbitrator wrote. Commissioner Jones stated that using the Union County case as a guide is fine. Chair Hatfield recommended adding language to reflect the reason this issue is being remanded to the arbitrator is so that he may clarify the meaning of his award regarding the new seniority provision in light of the multiple positions and job functions within the Prosecutor's Office. The recommended changes were incorporated and agreed by acclamation. The motion to adopt the draft decision was unanimously approved (Chair Hatfield, Commissioners Bonanni, Eskilson, Krengel and Voos).

Commissioner Eskilson made a motion to adjourn the meeting and Chair Hatfield 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.