

MINUTES OF MEETING  
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION  
August 16, 2018  
10:00 a.m.  
495 West State Street  
Trenton, New Jersey

The meeting was called to order by Chair Joel M. Weisblatt.

Present were:

Commissioners:

John Bonanni  
Paul Boudreau  
David Jones  
Paula Voos

Also present were:

Christine Lucarelli-Carneiro, Acting General Counsel  
Don Horowitz, Senior Deputy General Counsel  
Joseph P. Blaney, Deputy General Counsel  
Kellie Hullfish, who acted as Stenographer

At the commencement of the meeting, Chair Weisblatt, 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 21, 2017 a copy of such notice was:

- (a) prominently posted in a public place at the offices of the Public Employment Relations Commission;
- (b) e-mailed to the business offices of the Trenton Times and the Courier Post;
- (c) e-mailed to the Secretary of State for filing; and
- (d) posted on the agency's web site.

Furthermore on August 10, 2018, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

Chair Weisblatt opened the meeting with a Chair's update as follows. The agency is functioning very well, despite some stress from under-staffing. The staff has been an effective and impressive team and the acting directors and general counsel are performing at the highest levels.

Case activity statistics strongly suggest an uptick in certain demands for agency assistance. Unfair practice filings in FY 2018 are up about 9% over those for FY 2017. Mediation requests in FY 2018 were up a little over 19%. Representation, scope and fact finding filings were essentially flat from FY 2017 to FY 2018.

There will likely be continued expansion on demands for agency assistance in unfair practice, mediation and fact finding services. The Workplace Democracy Enhancement Act (WDEA) may serve to drive some increased demands on the agency. We may also be experiencing a short-term increase in interim relief filings which can be reasonably expected to continue. All of these factors underscore the need for the agency to expand our staffing. We are working on recruiting qualified applicants to fill several vacancies at the agency. It's a slow process and we hope to make progress in the near future.

He reaffirmed that the Commission is in compliance with the U.S. Supreme Court's decision in the Janus case.

He noted that we continue to carry forward a Mahwah Board of Education draft because, due to recusals, we lack a quorum to consider that matter. He expects that Commission vacancies will be filled allowing us to resolve that dispute. There have been four nominations for new Commission members, 2 filing vacancies and 2 for seats currently held. The Senate Judiciary Committee has not yet acted on those nominations. The Chair has been re-nominated and is also awaiting Judiciary Committee action. The Chair's term expired on June 3, 2018.

The first item for consideration was the minutes of the June 28, 2018 meeting. Commissioner Voos moved the minutes and Commissioner Jones seconded the motion. The motion to adopt the minutes were approved by a vote of four in favor (Chair Weisblatt, Commissioners Bonanni, Boudreau and Voos) and one abstention (Commissioner Jones).

The next item for consideration was the Executive Session minutes of the June 28, 2018. Commissioner Jones moved the minutes and Commissioner Boudreau seconded the motion. The motion to adopt the minutes were unanimously approved (Chair Weisblatt, Commissioners Bonanni, Boudreau, Jones and Voos).

The first case for consideration was Clark Township Board of Education and Clark Education Association, Docket No. CO-2016-290. Commissioner Boudreau moved the draft decision and Commissioner Voos seconded the motion. The motion to adopt the

draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Bonanni, Boudreau and Voos) and one opposed (Commissioner Jones).<sup>1</sup>

The next case for consideration was City of Newark and Newark Police Superior Officers' Association, Docket No. CO-2017-266. Commissioner Bonanni moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Boudreau, Jones and Voos).

The next case for consideration was Cape May County Municipal Utilities Authority and IBT Local 331, Docket No. SN-2018-028. Commissioner Jones moved the draft decision and Commissioner Bonanni seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Boudreau, Jones and Voos).

The next case for consideration was Township of Gloucester and FOP Lodge 206 (Patrol Unit), Docket No. SN-2018-039. Commissioner Boudreau moved the draft decision and Commissioner Voos seconded the motion. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Weisblatt,

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1/ After consideration of the first case, the Chair realized that he mistakenly skipped the report of the Counsel's office. He stated that he would go back to that at the end of the meeting.

Commissioners Bonanni, Boudreau and Voos) and one opposed (Commissioner Jones).

The final case for consideration was Cumberland County (Division of Social Services) and UAW Local 2327, Docket No. SN-2018-041. Commissioner Bonanni moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Boudreau, Jones and Voos).

The next item for consideration was the proposed rules to implement the WDEA. Senior Deputy General Counsel Don Horowitz explained that the WDEA, approved May 18, 2018, added N.J.S.A. 34:13A-5.11 through 5.15 to the New Jersey Employer-Employee Relations Act. Portions of the WDEA direct the Commission to engage in rule-making in order to procedurally and substantively implement its provisions. The rule proposal would amend the Clarification of Unit rule in Chapter 11 and add three new rules to Chapter 12 of the Commission's rules. After publication in the New Jersey Register, interested parties will have 60 days to submit comments to the Commission. When that period ends, the Commission can consider adopting the amendment and new rules as proposed or with changes.

At approximately 10:50 a.m. Chair Weisblatt then turned the meeting over to Acting General Counsel Christine Lucarelli-Carneiro and she asked for a motion to go into Executive Session

to discuss the pending litigation in Ann Smith v. NJEA.

Commissioner Jones made a motion to move into Executive Session and Commissioner Boudreau seconded the motion. The motion was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Boudreau, Jones and Voos).

At approximately 11:01 a.m. the Commission returned to the regular Commission meeting from Executive Session.

The Chair then turned the meeting over to Senior Deputy General Counsel Don Horowitz for the Counsel's Office report.

Chair Weisblatt asked for a motion to adjourn the meeting. Commissioner Bonanni made a motion to adjourn the meeting and Commissioner Boudreau seconded the motion. The motion was unanimously approved. The meeting was then adjourned.

The next meeting is scheduled to be held on Thursday, September 27, 2018.