

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
August 15, 2019
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
David Jones
Pasquale Papero
Paula Voos

Also present were:

Christine Lucarelli-Carneiro, General Counsel
Don Horowitz, Senior Deputy General Counsel
Frank Kanther, Deputy General Counsel
John Boppert, 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 20, 2018 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) posted on the agency's web site.

Furthermore on August 8, 2019, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

The first item for consideration was the minutes of the June 27, 2019 meeting. Commissioner Papero moved the minutes and Commissioner Voos seconded the motion. The motion to adopt the minutes was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next item for consideration was the minutes of the July 29, 2019 special phone meeting regarding the consideration of Re-adoption Without Amendments of 19:16, Negotiations, Impasse Procedures, and Compulsory Interest Arbitration of Labor Disputes in Public Fire and Police Departments. Commissioner Jones moved the minutes and Commissioner Voos seconded the motion. The motion to adopt the minutes was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

Chair Weisblatt started his report stating that he will be efficient due to the lengthy agenda. First, an official resignation letter was received from Commissioner Paul Boudreau, and he will be missed. His service on the Commission was dedicated, informed and professional. On a personal note, the Chair found him to be a pleasure to work with and appreciated his great civility. A formal resolution will be prepared thanking him for his service for adoption at a future meeting.

The Chair then introduced the Commissioners to the two recently hired staff members. Julian Krol who comes with experience from a private practice labor law firm. There are

great expectations for his development as a staff mediator. Christina Gubitosa returns to the unfair practice and representation division at PERC where she served several years ago. In the interim, she gained further parallel experience working at the NLRB. Her reputation is exceptionally strong and she will be a great re-addition to our staff.

The agency raised its ad hoc per diem mediation rate from \$800 to \$1,000. It has not been increased for 18 years.

Yesterday, we were served with papers in a new Janus-related law suit. The counsel staff will fill you in as to the details at next month's meeting. The lawsuits seem remarkably similar to those of the other Janus-related suits.

Finally, the Chair commended the counsel staff for having done a superb job preparing the drafts for this agenda. The agenda is comprised of numerous disputes, some quite complex, and the work is of a very high caliber, as usual. The Chair thanked Christine, Don, John, Ramiro and Frank. He also thanked Annette, Melissa and Kellie, without whom these meetings could not happen.

The Counsel's Office distributed a monthly report.

The first case for consideration was Township of Old Bridge and United Service Workers Union, IUJAT, Local 255, Docket No. SN-2019-042. Commissioner Weisblatt moved the draft decision and Commissioner Voos seconded the motion. Commissioner Bonanni recused himself because the law firm Cleary, Giacobbe, Alfieri

and Jacobs represents the Petitioner, Township of Old Bridge, who also serves as counsel to Morris County. A discussion ensued. Commissioner Voos moved to amend the draft decision and Commissioner Papero seconded the motion. The motion to amend the draft decision was approved by a vote of three in favor (Chair Weisblatt, Commissioners Papero and Voos), one opposed (Commissioner Jones) and one recusal (Commissioner Bonanni).

The next case for consideration was Amalgamated Transit Union Division No. 540 and Donald Baker, Docket No. CI-2016-012. 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, Jones, Papero and Voos).

The next case for consideration was Elizabeth Board of Education and Elizabeth Education Association, Docket No. SN-2019-027. Commissioner Voos moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next case for consideration was Elizabeth Board of Education and Elizabeth Education Association, Docket No. SN-2019-030. Commissioner Voos moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the

draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next case for consideration was Elizabeth Board of Education and Elizabeth Education Association, Docket No. SN-2019-031. Commissioner Papero moved the draft decision and Commissioner Voos seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next case for consideration was Ocean County College and Ocean County College Faculty Association, Docket No. SN-2019-034. Commissioner Voos moved the draft decision and Commissioner Papero seconded the motion. Commissioner Bonanni recused himself because the law firm Cleary, Giacobbe, Alfieri and Jacobs represents the Petitioner, Ocean County College, who also serves as counsel to Morris County. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Jones, Papero and Voos) and one recusal (Commissioner Bonanni).

The next item for consideration was Borough of Carteret and FMBA Local 67, Docket No. SN-2019-043. Commissioner Voos moved the draft decision and Chair Weisblatt seconded the motion. Commissioner Bonanni abstained from consideration. A discussion ensued. The motion to adopt the draft decision resulted in a tie vote (Chair Weisblatt and Commissioner Voos), two opposed

(Commissioners Jones and Papero) and one abstention (Commissioner Bonanni). Commissioner Papero moved to table the draft decision to a later meeting to allow Commissioner Bonanni to vote. Commissioner Voos seconded the motion. The motion to table the draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Bonanni, Papero and Voos) and one opposed (Commissioner Jones).

The next item for consideration was Middlesex Board of Education and Middlesex Education Association, Docket No. SN-2019-048. Commissioner Voos moved the draft decision and Commissioner Bonanni seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next item for consideration was Middlesex Board of Education and Middlesex Education Association, Docket No. SN-2019-049. Commissioner Jones moved the draft decision and Commissioner Papero seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next item for consideration was City of Long Branch and United Food and Commercial Workers Union Local 152, Docket No. SN-2019-053. Commissioner Jones moved the draft decision and Commissioner Voos seconded the motion. Commissioner Bonanni recused himself because he owns property in Long Branch. The

motion to adopt the draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Jones, Papero and Voos) and one recusal (Commissioner Bonanni).

The next item for consideration was Hopewell Township and Hopewell PBA Local 342, Docket No. IA-2019-016. Commissioner Voos moved the draft decision. Commissioner Bonanni seconded the motion. Commissioner Papero recused himself because he is a PBA member and because the law firm Crivelli and Barbati, who represents the Appellant, Hopewell PBA Local 342, also has a business and personal relationship with Frank Crivelli. A discussion ensued. The motion to adopt the draft decision was approved by a vote of three in favor (Chair Weisblatt, Commissioners Bonanni and Voos), one opposed (Commissioner Jones) and one recusal (Commissioner Papero).

The last item for consideration was Township of Bedminster and PBA Local 366, Docket No. IA-2019-017. Commissioner Voos moved the draft decision. Commissioner Bonanni seconded the motion. Commissioner Papero recused himself because he is a PBA member. A discussion ensued. The motion to adopt the draft decision was approved by a vote of three in favor (Chair Weisblatt, Commissioners Bonanni and Voos), one opposed (Commissioner Jones) and one recusal (Commissioner Papero).

Chair Weisblatt stated there remains no new status as to any scheduled meetings for the senate judiciary committee so there is nothing new with respect to the pending nominations for the Commission.

As a final note from the Chair, he reminded the Commission that the November Commission meeting is scheduled for November 26, 2019.

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

The next meeting is scheduled to be held on Thursday, September 26, 2019.