

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
February 20, 2020
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
Craig Ford
David Jones
Pasquale Papero
Paula Voos

Also present were:

Christine Lucarelli-Carneiro, General Counsel
Don Horowitz, Senior Deputy General Counsel
John Boppert, Deputy General Counsel
Frank Kanther, Deputy General Counsel
Ramiro Perez, 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 19, 2019 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 February 13, 2020, 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 January 23, 2020 meeting. Commissioner Voos moved the minutes and Commissioner Bonanni seconded the motion. The motion to adopt the minutes was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones, Papero and Voos).

Chair Weisblatt reports how the agency is ever evolving in terms of staff and substantive matters. Two staff members have announced their upcoming retirements; Don Horowitz who has been with PERC for almost 44 years and Chris Leavey who is our administrative director. The Chair stated that we are in the process of recruiting replacements for these two key positions. Don is often referred to as PERC's institutional memory and he was not prepared to dispute that title. Chris makes things work at the agency, his responsibilities include facilities management; budget; personnel and procurement, plus anything else that arises. Chris will be very difficult to replace.

Chair Weisblatt continued by stating that the caseload continues to evolve in new and interesting ways. He stated that we are always getting new twists on our established themes and occasionally cases of first impression. The Jersey City Board of Education Appellate Division decision (in which we were not a party) has spawned more than a few new disputes before us (despite the fact that it never addressed the PERC Act). However, the Supreme Court has issued a stay as to the Appellate

Division's decision which might slow the pace of related cases before us. We will discuss this case in depth later in the meeting.

Chair Weisblatt stated that the unfair practice and representation section continues to see a very active caseload and a battle to stay current is a never-ending challenge. He stated of some concern is a spate of interim relief filings which often appear to fail to meet the standards for such expedited action. He stated that the parties appear eager to try to short circuit the normal process, which makes it much more difficult to handle the IR cases in the speedy time frames that we like to achieve. He continued by stating the parties should restrict these IR filings to disputes that meet the stringent criteria for expeditious treatment. The section is coping extremely well with caseload pressures.

Mr. Horowitz then commented on the General Counsel's report.

The next item on the agenda was a matter concerning pending litigation that required the Commission to enter into Executive Session to discuss pending Janus-related litigation.

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

The Commission returned to the regular Commission meeting from Executive Session.

Chair Weisblatt directed the Commissioners to the agenda.

The first case for consideration was County of Essex and Essex County PBA Local 382, Docket No. SN-2017-033. Commissioner Voos moved the draft decision and Commissioner Jones seconded the motion. Commissioner Papero was recused from voting on this matter because of his affiliation with the PBA. Commissioner Bonanni was recused from voting on this matter because the Trimboli and Prusinowski law firm serves as counsel to Morris County. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Ford, Jones and Voos).

The next case for consideration was City of Union City and Union City Employees Association, on behalf of Ruth DiPalma, Docket No. SN-2019-073. Commissioner Bonanni moved the draft decision and Commissioner Jones seconded the motion. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Bonanni, Ford and Voos) and two opposed (Commissioners Jones and Papero).

The next case for consideration was Bernards Township Board of Education and Bernards Township Education Association, Docket No. CO-2017-160. Commissioner Bonanni moved the draft decision and Chair Weisblatt seconded the motion. Commissioner Ford was recused from voting on this matter because the Oxfeld Cohen law firm represents the union of which he is an officer. The motion

to adopt the draft decision was approved by a vote of three in favor (Chair Weisblatt, Commissioners Bonanni and Papero) and two abstained (Commissioners Jones and Voos).

The next case for consideration was City of Camden and Camden Fire Officer's Association, Local 2578, International Association of Fire Fighters, Docket No. CO-2020-100.

Commissioner Bonanni moved the draft decision and Chair Weisblatt seconded the motion. The motion to adopt the draft decision resulted in a tie vote of three in favor (Chair Weisblatt, Commissioners Bonanni and Voos) and three opposed (Commissioner's Ford, Jones and Papero).

The next case for consideration was the Town of West New York and West New York Police Supervisors Association, Inc., Docket No. SN-2019-067. Commissioner Bonanni moved the draft decision and Chair Weisblatt seconded the motion. A discussion ensued.

After a lengthy discussion Chair Weisblatt asked for a motion to table this case to a future meeting. Commissioner Jones moved to table this case and Commissioner Voos seconded the motion. The motion to table this case was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones, Papero and Voos).

The last case for consideration was East Windsor Regional Board of Education and East Windsor Education Association, Docket

No. SN-2019-076. Commissioner Bonanni moved the draft decision and Commissioner Voos seconded the motion. The motion to adopt the draft decision was approved by a vote of five in favor (Chair Weisblatt, Commissioners Bonanni, Ford, Papero and Voos) and one opposed (Commissioner Jones).

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

The next meeting is scheduled to be held on Thursday, March 26, 2020.