

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
April 30, 2020
1:00 p.m. by Phone
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
Melissa Chu, Commission Case Administrator
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 April 22, 2020, copies of an additional written "Notice of Meeting" were posted and sent in a similar manner.

Chair Weisblatt took roll call, as the meeting was being held by phone due to the coronavirus crisis. All were present.

The first item for consideration was the minutes of the March 26, 2020 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, Ford, Jones, Papero and Voos).

Chair Weisblatt reports that these are truly extraordinary times. We as an agency have been remarkably successful at continuing our mission throughout. This agenda was, at least originally, quite full with respect to new Commission decisions. Two matters have been resolved and one narrowed since the notice of meeting issued; that is a result that we encourage even if it obscures our productivity. He noted that Deputy General Counsel John Boppert nimbly revised our draft in item #6 with only 24 hours notice of a partial resolution of the dispute.

The Chair reports that the agency is also very active with respect to interim relief matters, which are being filed at an alarming rate. Also, Counsel staff has filed, or in the processing of filing numerous appellate briefs in both state and federal courts even during these pressing times.

He reports that almost all of the agency's work is being performed remotely. The three division heads, Christine Lucarelli-Carneiro, Jonathan Roth and Mary Beth Hennessey-Shotter

are to be particularly noted for their efforts, which have been non-stop. Additionally, our Director of Administration, Chris Leavey, has been invaluable to the operational aspects of making the agency able to respond to disputes without any delays. He has overseen the rotation of a skeleton staff providing parties with access to our processes and timely responses to all filings and inquiries.

The Chair reports that we have had some inquiries about enabling efforts to conduct remote video arbitrations; however, our rules provide for the arbitrators to have full authority over the scheduling and manner in which those proceedings are handled. We are not opposed to the arbitrators reasonable exercise of discretion in this area. The National Arbitration Association has been engaged in providing support to arbitrators and parties wishing to proceed with video hearings.

The Chair reports that the concept of video hearings in unfair practice disputes is an area for the agency to consider and some investigation into feasibility is planned. There are numerous potential problems that must be worked out to advance that concept. The continued length of our need for distancing and the comfort levels of the parties and staff are two aspects that will dictate if there is a need. Currently, in-person meetings are cancelled through May 29th. The sole exception has been one mail ballot count performed and another scheduled. The

parties have been allowed to a single representative with distance requirements and other precautions. Bryan Markward has handled this with great professionalism.

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

The first case for consideration was State of New Jersey (Corrections) and New Jersey Law Enforcement Supervisors Association and New Jersey Superior Officers Law Enforcement Association, Docket Nos. CO-2016-107 and CO-2016-118.

Commissioner Jones moved the draft decision and Commissioner Voos seconded the motion. Commissioner Papero was recused from voting on this matter because of his personal relationship with Frank Crivelli who represents the Charging Party (New Jersey Law Enforcement Supervisors Association) in this matter. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones and Voos).

The next case for consideration was Borough of Bergenfield and PBA Local 309, Docket No. CO-2019-288. Commissioner Jones moved the draft decision and Commissioner Voos seconded the motion. Commissioner Papero was recused from voting on this matter because of his affiliation with PBA. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones and Voos).

The next case for consideration was Township of Piscataway and PBA Local 93, Docket No. SN-2020-032. Commissioner Bonanni moved the draft decision and Commissioner Ford seconded the

motion. Commissioner Papero was recused from voting on this matter because of his affiliation with PBA. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Bonanni, Ford and Voos) and one opposed (Commissioner Jones).

The next case for consideration was Monroe Township Board of Education and Monroe Township Administrators and Supervisors Organization, Docket No. SN-2020-010. Commissioner Ford moved the draft decision and Commissioner Bonanni 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 Papero) and two abstained (Commissioners Jones and Voos).

The last case for consideration was Rutgers, the State University of New Jersey and FOP Lodge 164, Docket No. SN-2020-025. Commissioner Jones moved the draft decision and Commissioner Ford seconded the motion. Commissioner Voos was recused from voting on this matter because of her employment with Rutgers University. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones and Papero).

The Chair asked for a motion to adjourn the meeting. Commissioner Voos 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, May 28, 2020.