

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
September 17, 2020
10:00 a.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
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 September 10, 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 August 13, 2020 meeting. Commissioner Voos moved the minutes and Commissioner Jones 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 the agency has continuously succeeded at fulfilling its mission during the pandemic era, forcing to adapt to new issues, new procedures, new communication methods and remote working conditions. We should all be very satisfied with the effectiveness of the staff, both professional and support, in all three areas of the agency, the Unfair Practice and Representation, Conciliation and Arbitration, General Counsel and Administrative sections.

The Chair also reported that many disputes have been resolved, even through the imperfect communications processes dictated by the coronavirus. We have successfully held elections and had ballot counts at the agency. As you have observed, we have had an extremely active presence in the appellate courts, with excellent results. There are quite a few further cases still in progress, some of which will be addressed in the counsel's staff report.

The Chair concluded by saying we have decided to embark on conducting remote video evidentiary hearings in Unfair Practice and Representation disputes. He noted that the Office of

Administrative Law is currently using video evidentiary hearings in its proceedings. We have purchased sufficient transferrable licenses from Zoom to share among staff members for these hearings and numerous other purposes. The mediation staff has already had positive experiences using Zoom to assist parties at impasse in contract negotiations. We also plan to use Zoom to enhance our training abilities in this remote world. The agency recognizes its need to be flexible and adapt to the circumstances presented to it and we are working hard to respond.

General Counsel Lucarelli-Carneiro commented on the Ridgefield Park Supreme Court case. She also commented on status updates for the pending Janus-related cases in the Third Circuit, and the recent Third Circuit decision in *Diamond v. Pennsylvania State Education Association* that is found in the counsel's report.

The first case for consideration was City of Bayonne and FMBA Local No. 11 and Bayonne Fire Superior Association FMBA Local 211, Docket No. CO-2020-268. Commissioner Voos moved the draft decision and Commissioner Bonanni seconded the motion. Commissioners Ford recused himself because he resides in Bayonne. 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) and two opposed (Commissioners Jones and Papero).

The next case for consideration was Paterson Charter Education Association and Paterson Charter School for Science and Technology, Docket No. CO-2020-143. Commissioner Voos moved the draft decision and Commissioner Papero 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 unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The next case for consideration was Town of Morristown and PBA Local 43, Docket No. SN-2020-047. Commissioner Bonanni moved the draft decision and Chair Weisblatt seconded the motion. Commissioner Papero was recused from voting on this matter because of his affiliation with PBA. A discussion ensued. A motion was made to redraft this decision and present it at the next Commission meeting. Commissioner Voos moved to redraft this decision and Commissioner Bonanni seconded the motion. The motion to redraft this decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones and Voos).

The next case for consideration was Township of Neptune and PBA Local No. 74, Docket No. CO-2017-230. Commissioner Bonanni 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. A discussion ensued.

A motion was made to amend the draft decision and present it at the next Commission meeting. Commissioner Voos moved to amend this decision and Commissioner Bonanni seconded the motion. The motion to amend this decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones, Papero and Voos).

The next item on the agenda was a matter concerning the appointment of Melinda Gordon to Special Disciplinary Arbitration Panel that required the Commission to enter into Executive Session. Commissioner Bonanni moved to enter into Executive Session and Commissioner Ford 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.

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

The next meeting is scheduled to be held on Thursday, October 15, 2020.