

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
December 19, 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 (by phone)
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
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 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 December 16, 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 November 26, 2019 meeting. Commissioner Jones moved the minutes and Commissioner Papero seconded the motion. The motion to adopt the minutes was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

Chair Weisblatt began his report by commending the Counsel staff for the successful result in the Smith Federal district court lawsuit. He stated he would leave the details of that court decision for the Counsel report but suffice to say that each of the Commissioners were named defendants in the suit and the matter was dismissed with respect to all of us. Thank you Counsel staff.

Chair Weisblatt stated in another development that will be addressed in the Counsel report, was a favorable decision from the Appellate Division in a matter involving sick leave verification and application. I will leave the details to the report but I do wish to emphasize that the court looked most favorably upon our dichotomy between the employer's right to require a sick note as verification and the application of that sick leave policy in denying sick pay, which is subject to arbitration.

Chair Weisblatt stated the Senate Judiciary Committee met Thursday, December 12, 2019 and considered 22 nominations, none of which involved PERC commission nominees. There is nothing new

to report on that front. Chair Weisblatt stated to the Commissioners that he appreciates their continued participation and professionalism.

Chair Weisblatt lastly stated that he constantly gets positive feedback about the agency's performance levels. While the agency is hardly perfect, and there is always room for improvement, we are serving the parties and the process as was designed. The entire staff deserves credit for its commitment and achievements.

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

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

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

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

Chair Weisblatt stated that there is an attendee from the law firm Crivelli and Barbati for agenda item number 7. The Chair stated he would hear this case first to accommodate this attendee.

The first case for consideration was Atlantic County Sheriff's Office and PBA Local 243, Docket No. SN-2019-059. Commissioner Voos moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Papero was recused from voting on this matter because of his affiliation with the PBA. The motion to adopt the draft decision was approved by a vote of three in favor (Chair Weisblatt, Commissioners Bonanni and Voos), and one opposed (Commissioner Jones).

The next case for consideration was City of Newark and Newark Police Superior Officers' Association, Inc., Docket No. CO-2020-063. Commissioner Jones 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 State of New Jersey (Juvenile Justice Commission) and New Jersey Law Enforcement Commanding Officer's Association, Docket No. SN-2018-046. 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 Pinelands Regional Board of Education and Pinelands Regional Education Association, Docket No. SN-2019-047. 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 New Jersey Transit Bus Operations, Inc. and Amalgamated Transit Union, New Jersey State Council, ATU, Locals 540, 819, 820, 822, 824, 825 and 880.

Commissioner Voos 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 case for consideration was Borough of Sayreville and Sayreville Association of Municipal Supervisors, Docket No. SN-2019-069. 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 Voos moved to table this case and Commissioner Papero seconded the motion. The motion to table this case was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The last item on the agenda is the Annual Notice of Regularly Scheduled Meetings for 2020. Commissioner Jones moved this item and Commissioner Papero seconded this item. The motion to adopt the notice was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Jones, Papero and Voos).

The Chair asked for a motion to adjourn the meeting. Commissioner Voos 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, January 23, 2019.