

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
September 30, 2021
10:30 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
Grace Xanthacos, 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 10, 2020 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 24, 2021, 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 26, 2021 meeting. Commissioner Papero 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).

The Chair reported that it has been an extremely demanding period for the Agency. The frequency of interim relief applications have coincided with a flurry of appellate activity. We are prepared for continued increases in the demand for our services, including mediation and fact finding as well.

The Chair also reported that the most recent item of attention has been the Appellate Division decision issued on Monday concerning our Newark interim relief ruling that held that there was a management right to implement a vaccine mandate policy but that there are severable issues that were mandatorily negotiable, although not before the implementation of the vaccine mandate. It was noted that the Appellate Division upheld the finding of a non-negotiable management right but reversed the Agency as to the restraint of the implementation of all severable negotiable issues. This published opinion is now the law in New Jersey, however, it should be interpreted narrowly, in the context of the court's view of application within an extreme public health emergency.

Lastly, the Chair reported with respect to the COVID-19 effect on agency operations, we have increased the office presence of staff on a progressive basis but we are not generally open for in-person activity with the parties (other than an occasional election count). The Agency continues to schedule case conferences and hearings for remote proceedings. We regularly compare our policies with other adjudicatory bodies, most notably the OAL, to stay current with general practices. Most of our mediations have been conducted remotely as well, with a very few exceptions. We understand that grievance arbitrators on our panel have been engaged in both remote and in-person hearings. We strive to provide the proper balance as to service to the parties and protecting their health in the process; this is subject to continuing evaluation of the circumstances at hand.

General Counsel Lucarelli-Carneiro commented on the recently issued Appellate Division decision involving the City of Newark and numerous uniformed and non-uniformed unions addressing the City's COVID-19 vaccine mandate for all municipal employees.

The first case for consideration was Ridgefield Park Board of Education and Ridgefield Park Education Association, Docket No. SN-2021-042. 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, Ford, Jones, Papero and Voos).

The next case for consideration was New Jersey Transit, Mercer and Amalgamated Transit Union Division 540, Docket No. CI-2016-035. Commissioner Bonanni moved the draft decision and Commissioner Papero seconded the motion. Commissioner Ford was recused from voting on the matter because Oxfeld Cohen law firm represents the union. The motion to adopt the draft decision was approved by a vote of four in favor (Chair Weisblatt, Commissioners Bonanni, Jones and Papero) and one abstention (Commissioner Voos).

The next case for consideration was Union County Vocational-Technical Board of Education and Union County Vocational-Technical Education Association, Docket No. SN-2021-038. Commissioner Papero moved the draft decision and Commissioner Ford seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones, Papero and Voos).

The next case for consideration was Union County Vocational-Technical Board of Education and Union County Vocational-Technical Education Association, Docket No. SN-2021-039. 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, Ford, Jones, Papero and Voos).

The next case for consideration was Morris County College Faculty Association and County of Morris, Docket No. CE-2021-011. Commissioner Jones moved the draft decision and Commissioner Voos seconded the motion. Commissioner Bonanni was recused from voting on this matter because it involves Morris County. Commissioner Ford was recused from voting on this matter because Oxfeld Cohen represents the union. The motion to adopt the draft decision was unanimously approved (Chair Weisblatt, Commissioners Jones, Papero and Voos).

The next case for consideration was Gloucester County and Communications Workers of America, AFL-CIO, Local 1085, Docket No. CO-2020-008. 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, Ford, Jones, Papero and Voos).

The next case for consideration was Irvington Housing Authority and SEIU, Local 617 (Jeffrey Barrett, et al.), Docket No. CO-2016-193. Commissioner Papero moved the draft decision and Commissioner Bonanni seconded the motion. Commissioner Ford was recused from voting on this matter because Oxfeld Cohen represents the union. The motion to adopt the draft decision was approved with a vote of four in favor (Chair

Weisblatt, Commissioners Bonanni, Voos and Papero) and one opposed (Commissioner Jones).

The Chair asked for a motion to adjourn the meeting. Commissioner Voos made a motion to adjourn the meeting and Commissioner Bonanni seconded the motion. The motion was unanimously approved (Chair Weisblatt, Commissioners Bonanni, Ford, Jones, Papero and Voos). The meeting was then adjourned.

The next meeting is scheduled to be held on Thursday, October 28, 2021. The November Commission meeting has been scheduled for November 23, 2021. The December Commission meeting has been scheduled for December 21, 2021.