

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
April 25, 2024
10:00 a.m.
495 West State Street
Trenton, New Jersey

The meeting was called to order by Chair Mary Beth Hennessy-Shotter.

Present were:

Commissioners:

Adrienne Eaton
Craig Ford
William Higgins
Barry Kushnir
Pasquale Papero

Also present were:

Christine Lucarelli-Carneiro, General Counsel
Frank Kanther, Deputy General Counsel
John Boppert, Deputy General Counsel
Ramiro Perez, Deputy General Counsel
Grace Xanthacos, who acted as Stenographer

At the commencement of the meeting, Chair Hennessy-Shotter, 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 15, 2023 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 18, 2024, 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 March 28, 2024 meeting. Commissioner Kushnir moved the minutes and Commissioner Eaton seconded the motion. The motion to adopt the minutes was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero).

The Chair acknowledged the guests in the audience who were participating in Take Your Daughters and Sons to Work Day.

The Chair also reminded the Commissioners that the PERC Conference was scheduled for May 2, 2024 at the East Brunswick Hilton.

In addition, the Chair advised the Commission that the Commissioner of Education declined to consider the Commission's argument that the Commissioner lacked jurisdiction in a filing by the Neptune Township Board of Education related to a prior Commission decision. The matter was transferred to the Office of Administrative Law where an ALJ may consider the Commission's submission. The Chair advised the Commission that the Superior Court case brought by Rutgers, the State University of New Jersey contesting the constitutionality of the subcontracting amendments to the Act as applied to Rutgers has a return date in late May.

Furthermore, the Chair advised the Commission that she granted a motion to intervene on behalf of the State PBA in an unfair practice case filed by Juan Mendoza. The Chair also advised the Commission that she denied to consider two expedited

scope of negotiations petitions filed by the PBA in an interest arbitration with the City of Pleasantville.

Lastly, the Chair acknowledged the great feedback she has received from constituents regarding the staff in the Unfair Practices and Representation section of the Agency.

The General Counsel spoke about three oral arguments that Counsel staff participated in: PBA Local 29 and Township of Irvington (App. Div. Dkt. No. A-000743-23); Borough of Carteret and Local 67, Firefighters Mutual Benevolent Association (App. Div. Dkt. No. A-001319-22T4); and County of Essex and FOP Lodge 106 (App. Div. Dkt. Nos. AM-0597-22T1, A-003809-22T1).

The first case for consideration was Middlesex Board of Education and Middlesex Education Association, Docket No. CO-2023-118. Commissioner Eaton moved the draft decision and Commissioner Ford seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero).

The next case for consideration was City of Atlantic and International Association of Fire Fighters Local 198, Docket No. CO-2022-200. Commissioner Kushnir moved the draft decision and Commissioner Eaton seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero).

The next case for consideration was New Jersey Transit Bus Operations, Inc. And International Brotherhood of Teamsters Local 701, Docket No. RO-2023-041. Commissioner Ford moved the draft decision and Commissioner Papero seconded the motion. Commissioner Kushnir is recused from voting on matters involving New Jersey Transit. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins and Papero).

The next case for consideration was Township of Bloomfield and International Union of Operating Engineers, Local 68, Docket No. RO-2023-041. Commissioner Kushnir moved the draft decision and Commissioner Eaton seconded the motion. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero).

The next case for consideration was Somerset Hills Board of Education and Somerset Hills Education Association, Docket No. SN-2024-021. Commissioner Papero moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Ford is recused from voting on matters involving the law firm of Oxfeld Cohen. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Higgins, Kushnir and Papero).

The next item on the agenda was the consideration of Proposed Re-adoption with Amendments of PERC Chapter 14 Rules (N.J.A.C. 19:14), Unfair Practice Proceedings. Commissioner Kushnir made a motion to adopt the rule changes, and Commissioner Eaton seconded the motion. The motion to adopt the Proposed Re-adoption with Amendments of PERC Chapter 14 Rules was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Higgins, Ford, Kushnir and Papero).

The Chair asked for a motion to adjourn the meeting. Commissioner Ford made a motion to adjourn the meeting and Commissioner Papero seconded the motion. The motion was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero). The meeting was then adjourned.

The next regular meeting is scheduled to be held on Thursday, May 30, 2024.