

MINUTES OF MEETING
NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION
April 24, 2025
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
John Boppert, Deputy General Counsel
William Campbell, IV, 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 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 12, 2024 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 16, 2025, 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 27, 2025 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 welcomed the guests in the audience participating in Take Your Child to Work Day.

The General Counsel spoke about a Commission case for which the Supreme Court recently granted certification, In re Rutgers, 2024 N.J. Super. Unpub. LEXIS 3033, P.E.R.C. No. 2024-2, 50 NJPER 127 (¶31 2023).

The first case for consideration was Rutgers, the State University of New Jersey and AAUP - BHSNJ, Docket No. CU-2020-005. Commissioner Ford moved the draft decision and Commissioner Papero seconded the motion. Commissioner Eaton and Commissioner Kushnir are recused from voting on matters involving the law firm of Weissman & Mintz. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Ford, Higgins and Papero).

The next item for consideration was County College of Morris and Faculty Association of County College of Morris, Docket Nos. CO-2021-228 and CE-2021-011. Commissioner Eaton moved the draft decision and Commissioner Papero seconded the motion. Commissioner Ford is recused from voting on matters involving the

law firm of Oxfeld Cohen. The motion to adopt the draft was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Higgins, Kushnir and Papero).

The next item for consideration was Communications Workers of America, AFL-CIO, Local 1031 and Orange Public Library, Docket No. CO-2024-055. Commissioner Ford moved the draft decision and Commissioner Papero seconded the motion. Commissioner Eaton and Commissioner Kushnir are recused from voting on matters involving the law firm of Weissman & Mintz. The motion to adopt the draft decision was unanimously approved (Chair Hennessy-Shotter, Commissioners Ford, Higgins and Papero).

The next item for consideration was Borough of Allendale and Allendale PBA Local 217, Docket No. CO-2024-137. Commissioner Higgins moved the draft decision and Commissioner Eaton seconded the motion. Commissioner Papero is recused from voting on matters involving the New Jersey State Policemen's Benevolent Association. The motion to adopt the draft was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins and Kushnir).

The next item for consideration was the Agency's Response to AFL-CIO's comments on the Readoption with Amendments of the Chapter 11 Rule Proposal. Commissioner Eaton made a motion for discussion and Commissioner Papero seconded the motion. A discussion ensued. Commissioner Eaton made a motion to add the

proposal about the supervisory exclusion process (notice, 60 days to agree and file petition, no removal from unit until agreement or Director decision, UPC a7 if rule violated). Commissioner Papero seconded the motion. Staff feedback was that an employer could file the CU petition anytime after notice and does not need to wait 60-days before filing the petition. The motion was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero). Commissioner Kushnir made a motion to describe the burden of proof for statutory exclusions, but inclusive of staff feedback that it should be as described in our case law. Commissioner Papero seconded the motion. The motion was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero). A motion to accept the remaining rule proposal was made by Commissioner Eaton and Commissioner Papero seconded the motion. The motion was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Ford, Higgins, Kushnir and Papero).

The next item for consideration was the Consideration of AFL-CIO Chapter 14 Rule Petition and the comments received from interested parties. Commissioner Ford and Commissioner Kushnir were recused. Chair Hennessy-Shotter asked for a motion for discussion. Commissioner Papero made the motion and Commissioner Higgins seconded the motion. A discussion ensued. Commissioner Eaton made a motion to extend the period for deliberation to

consult with the UPR staff to see if there is a deadline that would provide the least disruption to the division's workload. If the AFL-CIO did not agree to the extension, the AFL-CIO petition would be denied. Commissioner Papero seconded the motion. The motion was unanimously approved (Chair Hennessy-Shotter, Commissioners Eaton, Higgins and Papero).

The Chair asked for a motion to adjourn the meeting. Commissioner Kushnir made a motion to adjourn the meeting and Commissioner Ford 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 29, 2025.