

PUBLIC MEETING MINUTES

DECEMBER 13, 2018

10:00 a.m.

PUBLIC EMPLOYMENT RELATIONS BOARD

Headquarters Building

1031 18th Street

Sacramento, CA 95811

Members Present

ARTHUR A. KRANTZ, Member

PRISCILLA S. WINSLOW, Member

ERICH W. SHINERS, Member

ERIC R. BANKS, Member

Quorum Present? Yes

Executive Staff Present

JOSHUA GOLKA, Executive Director

MARY ANN AGUAYO, Chief Administrative Officer

FELIX DE LA TORRE, General Counsel

SHAWN CLOUGHESY, Chief Administrative Law Judge

LORETTA VAN DER POL, Division Chief, State Mediation &
Conciliation Service

Proceedings:

- Meeting called to order at 10 a.m. by Member Krantz.

Since October 11th, 2018, the Board has been in continuous closed session to deliberate on pending cases on the Board's docket.

Member Krantz read into the record the following decision numbers: 2585a-E, 2588, 2589-C, 2590, 2591-M, 2592, 2593-H, 2594-M, 2595, 2596-M, 2597, 2598-S, 2599, and 2600-M.

Additionally, the Board issued the following administrative determinations: Ad-468, Ad-469-M, Ad-470, Ad-471, and Ad-472.

Further, the following requests for injunctive relief have been resolved: IR 758, IR 759, IR 760, and IR 761.

A descriptive list of the aforementioned decisions, determinations, and resolutions can be found on PERB's website.

Motion: Motion by Member Banks and seconded by Member Winslow to close the October 11, 2018 Public Meeting.

Ayes: Banks, Winslow, Shiners, Krantz

Motion Adopted - 4 to 0

- **Adoption of Minutes**

Member Krantz officially opened the Public Meeting of December 13, 2018, by asking the Board if they would like to discuss potential corrections to the minutes of October 11th, 2018, or move to approve it.

Motion: Motion by Member Shiners to approve the minutes of the October 11th, 2018 Public Meeting.

Ayes: Winslow, Shiners, Banks, Krantz

Motion Adopted - 4 to 0

- **Public Comment**

Annette Deglow, public speaker, stated that she has ten charges before the Board. She asserted, among other claims, that the Los Rios District compromised her benefits and rights by failing to record her correct date of hire. She urged the Board to review her filings.

Executive Staff Reports:

Joshua Golka, Executive Director, thanked the Board and the PERB staff for their warm welcome, patience and assistance in his learning about PERB and the roles of each division.

- **Chief Administrative Officer's Report**

Mary Ann Aguayo, Chief Administrative Officer, stated that staff are close to closing the 2017-18 fiscal year. She expressed gratitude to staff members Rebecca Chan, Noemy Alvarado, Ly Surges and Oanh Tu for

their diligent work with the Financial Information System for California group and the Department of Finance.

Ms. Aguayo stated the Mission Based Review is nearing completion and that the 2018-2019 budget is balanced.

Ms. Aguayo stated that the relocation of the Los Angeles Regional Office is in its final cleanup stage and will be ready for an open house early next year, and she suggested that the Board may wish to hold its February or April meeting there. For the Sacramento headquarters building, the Department of General Services is continuing lease negotiations.

Ms. Aguayo stated that PERB has brought on board 13 new hires and has completed five internal promotions.

Ms. Aguayo stated that a PERB ALJ tested new audio-visual equipment by having a witness testify from a remote PERB office..

Lastly, Ms. Aguayo stated that the information technology maintenance and support contract expires next February. An external cybersecurity assessment is also due to be completed by June of 2019. Bid solicitations for both services will issue soon with plans to have new contracts in place by the end of January 2019.

- **General Counsel's Report**

Felix De La Torre, General Counsel, reported that PERB had received 100 new unfair practice charges in October and November, a slight decrease from the 116 received in the prior two months.

In October and November, the General Counsel's Office completed 109 investigations, which is an increase from the 94 investigations completed in the prior two months.

During October and November, the General Counsel's Office issued 67 complaints and dismissed nine charges compared to the 47 complaints issued and the 21 charges dismissed in August and September

Also in October and November, case processing times decreased to an

average of 128 days, versus 167 days on average in August and September.

The number of completed litigation matters decreased to 13 during October and November from 17 during August and September.

Fact-finding requests also decreased slightly, from 11 in August and September to ten in October and November. And representation petitions also decreased; 16 petitions in October and November versus 17 in August and September.

Mr. De La Torre stated that three new litigation matters have been filed against PERB, and he gave the status on each.

Further, Mr. De La Torre stated that PERB had received three case determinations, although not all the determinations are final. He provided the details on each.

Mr. De La Torre stated that currently there are no PERB-related bills to track through the Legislature.

Mr. De La Torre expressed his appreciation to Sheena Farro for her great job on the *Bellflower* case.

- **Chief Administrative Law Judge's Report**

Shawn Cloughesy, Chief Administrative Law Judge, announced that progress has been made in regards to calendaring; however, some big cases that were taken off the calendar will be put back on, which will cause a challenge in scheduling.

Currently, cases in Sacramento and Oakland are being calendared three months out from the informal hearings; for Glendale, 3-1/2 months out.

Days of hearing have increased, the prior year having 80 days of hearing versus 90 days of hearing at this point in time, while the exceptions ratio has decreased.

Chief Administrative Law Judge Cloughesy explained some issues needing to be addressed and resolved before using the audio-visual system in future PERB hearings.

- **SMCS, Division Chief's Report**

Loretta van der Pol, Division Chief, announced the hiring of a new mediator, Rich Anderson, and gave some details of his background. She also stated that the State Mediation and Conciliation Service has two vacancies for more mediators to be hired.

Ms. van der Pol stated that, because of a delay in opening and closing cases, she will be submitting an amended report later.

Ms. van der Pol also stated that last month the State Mediation and Conciliation Service had six cases, one a long delayed case with the PUC, and four cases for representation.

Motion: Motion by Member Banks and seconded by Member Shiners to accept the staff reports.

Ayes: Shiners, Krantz, Banks, Winslow

Motion Adopted - 4 to 0

- **Old Business**

Executive Director Golka updated the Board on the Case Processing Efficiencies Initiative, stating that a comprehensive written update will be forthcoming in February.

- **New Business**

General Counsel De La Torre requested the Board's authorization to begin drafting a regulation package that would delete or remove the regulations that enforce requirements that non-members pay fees without having consented to the payment of such fees, which the Supreme Court decided is unconstitutional in the *Janus* decision.

Motion: Motion by Member Winslow and seconded by Member Banks to grant such authorization.

Ayes: Shiners, Krantz, Banks, Winslow

Motion Adopted - 4 to 0

Noting that Member Winslow would soon be retiring, Member Krantz, Member Banks and Member Shiners expressed their sincere appreciation for having worked as Board Members alongside Member Winslow.

- **Meeting Adjourned.**

Member Krantz stated that, immediately upon recess, the Board will be in continuous closed session each business day until the next regularly scheduled meeting on February 14th, 2019.

Motion: Motion by Member Winslow and seconded by Member Shiners to recess the meeting to continuous closed session.

Ayes: Banks, Shiners, Winslow, Krantz

Motion Adopted - 4 to 0

APPROVED AT THE PUBLIC MEETING OF: **February 14, 2019**

Arthur A. Krantz, Board Member