

PUBLIC MEETING MINUTES

FEBRUARY 14, 2019

10:00 a.m.

PUBLIC EMPLOYMENT RELATIONS BOARD

Headquarters Building

1031 18th Street

Sacramento, CA 95811

Members Present

ARTHUR A. KRANTZ, Member

ERIC R. BANKS, Member

ERICH W. SHINERS, Member

LOU E. PAULSON, Member

Quorum Present? Yes

Executive Staff Present

JOSHUA GOLKA, Executive Director

MARY ANN AGUAYO, Deputy Executive Director

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.

Member Krantz welcomed newly appointed Board Member, Lou Paulson.

Since December 13, 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: 2591a-M, 2591b-M, 2601-H, 2602-M, 2603-M, 2604, 2605, 2606-M, 2607, 2608, 2609-I, 2610-H, 2611-M, 2612-M, 2613-M, 2614, 2615-M, 2616-H, 2617, 2618, 2619-M, 2620-M, 2621-S, 2622, 2623, and 2624-S.

Member Krantz further noted that the following requests for injunctive relief have been resolved: IR 762, IR 763, IR 764, and IR 765.

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 Shiners to close the December 13, 2018 Public Meeting.

Ayes: Krantz, Banks, Shiners, Paulson

Motion Adopted - 4 to 0

- **Adoption of Minutes**

Member Krantz officially opened the Public Meeting of February 14, 2019, by asking the Board if any members would like to discuss potential corrections to the minutes of December 13, 2018, or move to approve it.

Motion: Motion by Member Shiners and seconded by Member Banks to approve the minutes of the December 13, 2018 Public Meeting.

Ayes: Krantz, Banks, Shiners

Abstaining: Paulson

Motion Adopted - 3 to 0

- **Public Comment**

None

Executive Staff Reports:

Joshua Golka, Executive Director, welcomed the new Board Member, Lou Paulson, to PERB. Mr. Golka then stated that PERB has been invited to participate in an overview hearing in the Senate Labor Public Employment and Retirement Committee scheduled for February 27, 2019. Mr. Golka intends on participating, giving the Senate a three-minute overview on the workings of PERB.

Additionally, Mr. Golka gave a brief update on the Governor's budget, stating that PERB will participate in a Senate committee hearing sometime after the May Revise.

Mr. Golka stated that, because of the real estate market in the Bay Area, lease negotiations for renewal of the Oakland/San Francisco Regional Office will be starting earlier than the one-year out timeframe.

Mr. Golka has met the Governor's newly appointed Secretary of Labor, Julie Su, and will continue bringing Ms. Su up to speed about PERB and the public services it provides. .

Lastly, Mr. Golka expressed his appreciation to the staff who have been working on the ePERB/eCourt process, and to the Human Resource Department for its expediency in the hiring process for all allocated positions.

- **Deputy Executive Director's Report**

Mary Ann Aguayo, Deputy Executive Director, stated that fiscal year 2017-18 was successfully closed and that postings for the current fiscal year are now underway.

Ms. Aguayo also stated that the Department of Finance has completed the Mission-Based Review, resulting in a budget augmentation.

Ms. Aguayo reported that PERB has a balanced budget for the current fiscal year

with a projected year-end surplus due to the salary savings of unfilled positions.

Ms. Aguayo announced three new hires; Human Resource Analyst Katy Verner, and Administrative Interns Jessica Singh, and Marcos Banuelos. She also announced that Steve Foster will be taking over as PERB's outside IT consultant.

Lastly, Ms. Aguayo stated that Voice over Internet will replace the Centrex system in the Glendale office in February. A few months following that implementation, Voice over Internet will be installed at Headquarters and the San Francisco Regional office.

- **General Counsel's Report**

Felix De La Torre, General Counsel, reported that PERB received 97 new unfair practice charges during December 2018 and January 2019, which is a decrease from the one hundred received in the prior two months.

In December and January, the General Counsel's Office completed one hundred investigations, which is a decrease from the 109 case investigations completed in the prior two months.

During December and January, the General Counsel's Office issued 57 complaints and dismissed 15 charges compared to the 67 complaints issued and the nine charges dismissed in October and November.

Also in December and January, case processing time increased from a two-month average of 128 days in October and November to 175 days in December and January.

The number of completed litigation matters completed increased to 15 during December and January from 13 in October and November.

Fact-finding requests also increased from ten in October and November to 12 requests in December and January.

The number of representation petitions decreased; 16 petitions in October and November versus 12 in December and January.

Mr. De La Torre stated that, since the last Board meeting, ten new cases have been filed by or against PERB. By comparison, three new cases were filed in October and November. He then provided the status and details on each new filing.

Mr. De La Torre stated that only one case determination had been received since the last Board meeting, and he provided the details of that case.

Mr. De La Torre reported that his office is tracking four PERB-related bills through the legislative process, and he provided the details and the significance of each.

Lastly, Mr. De La Torre introduced Daniel Crossen, the newest member to the General Counsel's office in the San Francisco Regional Office.

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

Shawn Cloughesy, Chief Administrative Law Judge, stated that Sacramento and Oakland are calendaring cases an average of three months from the informal; Glendale is calendaring cases an average of 3.5 months from the informal.

Assignment of cases and pending written decisions remain the same as the prior year.

Days of hearing have increased, the prior year having 110 versus the current year at 124.

The number of proposed decisions has decreased slightly from the prior year; however, the exceptions ratio is down to 35 percent versus the usual 42-43 percent of cases that get appealed to the Board.

Lastly, Chief Administrative Law Judge Cloughesy expressed his deepest sympathy for the passing of his friend and colleague, Administrative Law Judge Kent Morizawa.

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

Loretta van der Pol, Division Chief, announced both the retirement of Mediator Tom Ruiz, whose last day was January 31st, and the return of Mediator Sandra Poole, whose first day will be March 18th. The State Mediation and Conciliation Service, in an effort to fill the two remaining vacancies, will start the exam process sometime this spring.

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

Ayes: Krantz, Banks, Shiners, Paulson

Motion Adopted - 4 to 0

- **Old Business**

Executive Director Golka updated the Board regarding the status on the implementation of each of the ten-plus priorities gleaned from the Case Processing Efficiencies Initiative.

Member Krantz noted that the agency continues to mourn Administrative Law Judge Kent Morizawa, and thanked all those who had helped Kent and his family. Chief Administrative Law Judge Cloughesy read a letter addressed to PERB written from Chanda Morizawa, Kent's wife.

Lastly, Member Krantz called for a moment of silence to honor Kent.

- **New Business**

None

- **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 April 11th, 2019.

Motion: Motion by Member Banks and seconded by Member Shiners to recess the meeting to continuous closed session in honor of Kent Morizawa.

Ayes: Krantz, Banks, Shiners, Paulson

Motion Adopted - 4 to 0

APPROVED AT THE PUBLIC MEETING OF: **April 11, 2019**

Arthur A. Krantz, Board Member