

**PUBLIC MEETING MINUTES**

FEBRUARY 6, 2020

10:00 a.m.

PUBLIC EMPLOYMENT RELATIONS BOARD

Headquarters Office

1031 18th Street

Sacramento, California

**Members Present**

ERIC R. BANKS, Member

ARTHUR A. KRANTZ, Member

LOU E. PAULSON, Member

ERICH W. SHINERS, Member

*Quorum Present? Yes*

**Executive Staff Present**

JOSHUA GOLKA, Executive Director

FELIX DE LA TORRE, General Counsel

SHAWN CLOUGHESY, Chief Administrative Law Judge

LORETTA VAN DER POL, Division Chief, SMCS

**Proceedings:**

Meeting called to order at 10 a.m. by Member Banks.

Since December 12th, 2019, the Board has been in continuous closed session to deliberate on pending cases on the Board's docket. A list of those decisions, determinations, and resolutions can be found on PERB's website.

**Motion:** Motion by Member Paulson and seconded by Member Krantz to close the December 12th, 2019 Public Meeting.

**Ayes:** Krantz, Banks, Shiners, Paulson

**Motion Adopted - 4 to 0**

**Adoption of Minutes**

Member Banks officially opened the Public Meeting of February 6th, 2020, by asking the Board if they would like to discuss potential corrections to the minutes of December 12th, 2019, or move to approve it.

**Motion:** Motion by Member Shiners and seconded by Member Krantz to approve the minutes of the December 12th, 2019 Public Meeting.

**Ayes:** Krantz, Banks, Shiners, Paulson

**Motion Adopted - 4 to 0**

### **Public Comment**

No public participants requested to comment on issues outside of the agenda.

Before moving to staff reports, Member Banks welcomed two new Board assistants; Yoon Saechao and Rachel Morgan.

### **Executive Staff Reports:**

Joshua Golka, Executive Director, reported that the Legislature has until February 21st to introduce new bills that impact PERB. Thus far, only a few bills have any bearing on PERB, although Mr. Golka expects that to change as the deadline nears.

Regarding regulations, Mr. Golka stated that on December 27th the Office of Administrative Law, (OAL), approved a rulemaking package that pertains to the Public Employee Communications Chapter regarding the prohibition on public employers deterring or discouraging union membership. It further made changes to the Board's existing regulations concerning designation of precedential decisions. Those regulation changes will become effective on April 1st, 2020.

Currently, staff is working on preparing background documents for submittal to OAL on the seven regulatory packages the Board has approved, and has also begun working on regulations relating to transit.

Mr. Golka then thanked staff for their diligent work, most especially to Cheryl Shelly and Joe Seisa for their coverage during staff vacancies.

### **Report - Division of Administration**

Mr. Golka provided a budget update, stating that, because of the vacancies, PERB has accrued salary savings throughout the year, which he expects will cover the upcoming expenditures related to cybersecurity assessments as well as issues with facilities.

Mr. Golka also updated the Board on the spring budget change proposal, stating that he

is working with the Department of Finance and Labor Agency for the spring and May revisions.

Mr. Golka then congratulated and thanked PERB's Procurement Team for achieving 30 percent contract participation from Small Business and five percent contract participation among Disabled Business Enterprises. The team's achievements were recognized at the 20th Annual State Agency Recognition Awards. Additionally, PERB received the most improved contracting award for raising participation from Disabled Veteran Business Enterprises from 19 to 34 percent.

Regarding Human Resources, Mr. Golka introduced Vikki Dyachuk, who has joined the Procurement Team in the Division of Administration. Mr. Golka then provided the status on the applications and submission process to fill current vacancies.

Mr. Golka reported that ePERB, the Case Management System, had some challenges in the rollout, which are currently being addressed. PERB's new website went live in December, and Mr. Golka expressed appreciation to staff and stakeholders for their feedback on areas to improve.

Regarding facilities, Mr. Golka reported that the headquarters lease has been renewed and that structural updates are underway. For the San Francisco Regional Office, the Department of General Services is currently reviewing lease proposals.

### **General Counsel's Report**

Felix De La Torre, General Counsel, reported that the Office of the General Counsel had received 102 new unfair practice charges in December and January, which is a decrease from the 114 received last October and November.

In December and January, the General Counsel's Office completed 129 case investigations, which is a slight increase over the prior two-month period of 127 completed case investigations.

In the past two months, the General Counsel's Office issued 60 complaints and dismissed 43 charges. This is compared to 60 complaints issued and 34 charges dismissed in October and November.

Factfinding requests decreased slightly; in October and November, the General Counsel's Office had received nine factfinding requests, while in December and January, they had received eight.

Representation petitions increased from 12 petitions in October and November to 18 petitions in December and January.

Since the last Board meeting, the General Counsel's Office has received two requests for injunctive relief; one litigation matter filed against PERB, and one final case determination. Mr. De La Torre provided the details and status on each of the cases.

Lastly, Mr. De La Torre reported on a historic event; PERB received its first petition under the new Childcare Providers Act.

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

Shawn Cloughesy, Chief Administrative Law Judge, stated that all three regional offices are setting cases approximately three months out from the date of the informal.

Judge Cloughesy stated that the number of pending written decisions has decreased significantly from the prior year, while the number of active cases in the queue remains the same.

The number of proposed decisions is significantly higher than the number in the prior year. The average number of days for the issuance of a proposed decision is 110, a significant decrease from last year. Also up from the prior year is the number of closed cases. The exceptions ratio has also improved from the prior year; currently, at 42 percent.

Lastly, Judge Cloughesy expressed his appreciation to Karl Seligman and Alicia Clement, Administrative Law Judges in the San Francisco Regional Office, for mediating an agreement between Local 721 and the County of Riverside, which removed an estimated 34 unfair practice charges off the docket.

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

Loretta van der Pol, Division Chief, State Mediation and Conciliation Service (SMCS), referred the Board to the report she had previously provided. The report details the number of cases open, closed, and ongoing.

Ms. van der Pol then introduced a new mediator, Deborah Garabedian. Ms. Garabedian came on board in January. For the first time since joining PERB, SMCS is fully staffed.

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

**Ayes:** Krantz, Banks, Shiners, Paulson

**Motion Adopted - 4 to 0**

### **Old Business**

Mr. Golka presented a brief update on the Case Processing Efficiency Initiatives. Of the 16 priorities the Board had previously outlined, five have been implemented, five are contained in the regulatory packages that are nearing completion for submittal to OAL, four require more discussion, and two will be addressed in the future.

### **New Business**

There was no new business on the agenda.

### **Meeting Adjourned.**

Member Banks stated that, immediately upon recess, the Board will be in continuous closed session each business day until the next regularly scheduled Board meeting on April 2nd, 2020, in the Los Angeles Regional Office, 425 West Broadway, Suite 400, in Glendale, California.

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

**Ayes:** Krantz, Banks, Shiners, Paulson

**Motion Adopted - 4 to 0**

APPROVED AT THE PUBLIC MEETING OF:

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