

PUBLIC MEETING MINUTES

FEBRUARY 13, 2025

10:00 a.m.

PUBLIC EMPLOYMENT RELATIONS BOARD

Headquarters Office

1031 18th Street

Sacramento, California

Members Present

ERIC R. BANKS, Chair

ARTHUR A. KRANTZ, Member

LOU E. PAULSON, Member

MARK KRAUSSE, Member

Quorum Present? Yes

Executive Staff Present

SUSAN DAVEY, Deputy Executive Director

FELIX DE LA TORRE, General Counsel

ERIC CU, Chief Administrative Law Judge

GERALD FECHER, Director, SMCS

Proceedings:

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

Since December 12th, 2024, the Board has been in continuous closed session to deliberate on cases pending on the Board's docket. A list of those Board decisions, determinations, and resolutions can be viewed on PERB's website.

Motion: Motion by Member Paulson and seconded by Member Krantz to close the December 12th, 2024 Public Meeting.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

Chair Banks officially opened the Public Meeting of February 13th, 2025. Chair Banks thanked Henry Stevens, Rachel Morgan, and Jay Hernandez for their work behind the scenes.

Adoption of Minutes:

Chair Banks asked the Board Members if they wished to discuss any potential corrections or move to approve the minutes of the December 12th, 2024 meeting.

Motion: Motion by Member Krantz and seconded by Member Krausse to approve the minutes of the December 12th, 2024, Public Meeting.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

Public Comment

There were no public comments.

Report - Division of Administration

Susan Davey, Deputy Executive Director, reported a total of 77 filled positions plus a .25 retired annuitant and four vacancies.

Ms. Davey announced Executive Director Joshua Golka left state service in January 2025, Kimberly Procida was promoted to Attorney III in December 2024, and Valerie Racho was promoted to Deputy Chief Administrative Law Judge.

Ms. Davey stated Human Resources has finalized the documentation requested regarding the SPB audit.

Regarding facilities, Ms. Davey stated the PERB San Francisco Regional Office construction project is finalized and estimated to be completed at the end of April 2025.

For fiscal services, Ms. Davey stated the 2025 State Bar Dues payment is in process.

Ms. Davey stated for the budget, there is a projected balance of \$108,516.

Lastly, Ms. Davey stated IT has completed a phishing awareness exercise, with a 100% pass rate. The privacy statement was also updated on the PERB website to comply with 2025 requirements as well as security enhancements to block harmful websites.

Report - Office of the General Counsel

Felix De La Torre, General Counsel, first congratulated Kimberly Procida for her promotion to Attorney III. Mr. De La Torre reported that in December to January, the Office of the General Counsel received 102 new unfair practice charges. While in October to November, the Office of the General Counsel received 114 new unfair practice charges.

From December to January, the General Counsel's Office completed 98 case investigations compared to 94 case investigations completed in the October to November period.

From December to January, the General Counsel's Office issued 55 complaints and dismissed 20 charges compared to 57 complaints issued and 14 dismissed in the October to November period.

The average time from filing to disposition of UPCs is 174 days from December to January compared to 188 days from October to November. The current active caseload has ticked up to 294 from 284.

Regarding factfinding requests, the General Counsel's Office had received one request in the December to January period compared to four in the October to November period.

Representation petitions are at 15 during the December to January period, compared to 17 received in the October to November period.

Mr. De La Torre reported on two requests for injunctive relief, two new litigation matters, and one final case determination. He provided the details and status of each case.

Report - Division of Administrative Law

Eric Cu, Chief Administrative Law Judge, gave a staffing update and reported Valerie Racho was hired as Deputy Chief Administrative Law Judge. He also reported statewide recruitment is open for Senior Administrative Law Judges and interviews and selection will occur soon.

For Case Processing, Mr. Cu stated there were 21 new cases assigned in December and January compared to 23 cases assigned during October and November. The number of cases pending issuance of a written proposed decision is at 33 and 52 cases are scheduled for a formal hearing in the December to January period, totaling to 85 active cases. Compared to the October to November period, which had 26 cases pending issuance of a written proposed decision and 55 cases scheduled for formal hearing, totaling to 81 active cases. There are two expedited cases and one more may be coming to the Division of Administrative Law soon. There were three expedited cases during the October to November period.

Mr. Cu then gave case processing data from the 2023-2024 fiscal year December to January time frame which had 28 cases assigned, a total of 109 cases pending before the division and two expedited cases. During the 2022-2023 fiscal year December to January time frame 24 cases were assigned and 116 cases were pending before the Division of Administrative Law.

For Formal Hearings, Mr. Cu stated that from the December to January period there were 75 days of hearings, and 11 formal hearings completed, while in the October to November period there were 58 days of hearings, and 9 formal hearings completed. Mr. Cu also provided formal hearing data from the 2023-2024 fiscal year December to January period, which had 63 days of hearings, and 11 formal hearings completed. In the October to November period there were 9 hearings completed. Lastly, he provided data from the 2022-2023 fiscal year December to January period, which had 13 formal hearings completed. The same number of hearings were completed during the October to November period.

Regarding Case Dispositions, Mr. Cu stated that from the December to January period, 18 cases were withdrawn compared to 25 cases withdrawn in the October to November period. In the 2023-2024 fiscal year December to January period there were 13 withdrawals and in the 2022-2023 fiscal year December to January period there were 18 withdrawals. Mr. Cu stated there was one case dismissed in the December to January period, compared to zero in the October to November period. In the 2023-2024 fiscal year December to January period there was one withdrawal and in 2022-2023 fiscal year December to January period there were three withdrawals. Lastly, Mr. Cu stated there were five Proposed Decisions issued in the December to January period compared to 11 in the October to November period. In the 2023-2024 fiscal year December to January period there were 14 Proposed Decisions issued compared to 15 Proposed Decisions issued in the 2022-2023 fiscal year December to January time period.

Mr. Cu stated cases continue to be set 3 to 3-1/2 months out from the date the case gets to the Division of Administrative Law, however it is getting closer to 4 months. Mr. Cu reported the average number of days to issue a Proposed Decision is 101 days which is slightly better than the October to November period which was 103 days. In the 2023-2024 fiscal year December to January period the average number of days to issue a Proposed Decision was 119

days. In the 2022-2023 fiscal year December to January period the average number of days to issue a Proposed Decision was 205 days.

Lastly, Mr. Cu. provided data regarding the 2024-2025 Fiscal Year Exceptions Rate, which is currently 30%, while the final 2023-2024 Fiscal Year Exceptions Rate is 42%. In addition, Mr. Cu provided data in a 6-month interval going back three years to show a longer-term trend. In the past 6 months the exceptions rate was 46%, the past 12 months the exceptions rate was 41%, the past 18 months the exceptions rate was 44%, the past 24 months the exceptions rate was 47%, and lastly in the past 36 months the exceptions rate was 45%.

Member Krausse asked Mr. Cu what the average days for a Proposed Decision was prior to the Covid-19 pandemic. Mr. Cu stated that in February of 2020 the number was 116 days.

Member Krantz thanked Mr. Cu and his colleagues in the Division of Administrative Law for their hard work

Report - State Mediation & Conciliation Service (SMCS)

Gerald Fecher, Director of SMCS, provided a Case Processing update to the Board. Mr. Fecher stated that during December to January, SMCS has 141 active cases and 134 active cases during October to November. SMCS opened 62 cases during December to January and 70 cases during October to November. Cases closed during December to January was 52 and cases closed during October to November was 74.

For Representation and Election, there are 8 current matters.

For Program Administration, Mr. Fecher reported that, in December to January, SMCS received a total of \$2,625 in chargeable services from the Arbitration Panel Program and \$2,731.25 from the Conflict Resolution in the Workplace program, totaling to \$5,356.25. In October to November, SMCS received \$3,775 in chargeable services from the Arbitration Panel Program and \$805 from the Conflict Resolution in the Workplace program, totaling to \$4,580.

Regarding Personnel Administration, Mr. Fecher reported SMCS has continued to receive more requests for training and facilitation, including Interest Based Bargaining. SCMS also continues to monitor instances in which strikes or work stoppages are threatened and offers immediate mediation services to the parties in these instances because they are not compelled to use mediation.

Motion: Motion by Member Paulson and seconded by Member Krausse to accept the reports of the Division of Administration, the Office of the General Counsel, the Division of Administrative Law, and the State Mediation and Conciliation Services.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

Old Business

General Counsel, Felix De La Torre asked the Board to approve the submission of a rulemaking package to the Office of Administrative Law to promulgate regulations applicable to the Legislature Employer-Employee Relations Act (LEERA). Mr. De La Torre stated in October 2023, the Governor signed LEERA into law with an effective date of July 1, 2026. LEERA extends collective bargaining rights to the employees of the Assembly and Senate. Mr. De La Torre stated the package is intended to show the stakeholders what PERB is proposing to submit to the Office of Administrative Law and to receive feedback so they can present the best rulemaking package possible. Mr. De La Torre stated he is fine with a 30-day delay but states any further delay has a chance to complicate the ability to publish regulations by July 1, 2026.

Tim Yeung, an attorney from Sloan Sakai spoke before the Board representing the California State Senate and Assembly regarding LEERA. Mr. Yeung requested additional time to review the proposed regulations to provide meaningful feedback to the Board before submission of the rulemaking package. Mr. Yeung also provided potential edits for the proposed rulemaking package for the Board to consider.

Member Krantz thanked Tim Yeung for his comments stating it is extremely helpful and always improves what the Board does as it catches oversight. Member Krantz stated that due to the number of edits, he personally believes the rulemaking package will be brought back to committee and then the Board again. Member Krantz then asked Mr. Yeung about his potential edits for the rulemaking package.

Member Paulson thanked Tim Yeung for his advocacy and commented on his request for an extension of time. Member Paulson wanted to ensure that if an

extension of time is granted that the Legislature wouldn't be too busy with other obstacles and then request an additional extension of time from the Board. Mr. Yeung believed that the Legislature would not need an extra extension. Member Paulson asked if Mr. Yeung believed there was a conflict with the Office of Administrative Law looking at the regulations. Mr. Yeung stated he didn't believe so.

Chair Banks echoed the other Members' comments and thanked Mr. Yeung for coming before the Board and his extensive comments. Chair Banks stated he is inclined to ask his colleagues for an extension of time to refer back to the committee of himself and Member Krantz.

Motion: Motion by Member Paulson and seconded by Member Krausse to refer the matter to the committee until March 13th, after which the committee will work to prepare a revised draft for the Board's consideration at the April 10th meeting.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

New Business

Chair Banks announced the 2024 Employee Achievement awards. The winners were Brendan White, Margot Rosenberg, Kimberly Procida, Jessica Chernioglo, and Polly Vaitayanonta.

Member Paulson thanked everyone in the agency for the work that they did and continue to do.

Meeting Adjourned

Chair Banks stated that, immediately upon recess, the Board will meet in continuous closed session until the next regularly scheduled public meeting on April 10, 2025, in the Sacramento Regional Office.

During closed session, the Board will deliberate on cases listed on the Board's docket, personnel matters, pending litigation, and requests for injunctive relief.

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

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

APPROVED AT THE PUBLIC MEETING OF:

April 10, 2025
