PUBLIC MEETING MINUTES

JUNE 12, 2025
10:00 a.m.

PUBLIC EMPLOYMENT RELATIONS BOARD
San Francisco Regional Office
1515 Clay Street, Suite 802 Hearing Room
Oakland, 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, Executive Director
OROBOSA BATIS, 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 April 10th, 2025, 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 April 10th, 2025 Public Meeting.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

Chair Banks officially opened the Public Meeting of June 12th, 2025. Chair Banks thanked everyone for attending the meeting at the new Oakland office, as well as DIR Director Katie Hagen. Chair Banks also thanked PERB’s admin team who worked countless hours to get the office ready for use and Executive Director Susan Davey for her assistance and her leadership. Lastly, Chair Banks thanked Henry Stevens, Rachel Morgan, Joe Seisa, 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 April 10th, 2025 meeting.

Motion: Motion by Member Krausse and seconded by Member Paulson to approve the minutes of the April 10th, 2025, Public Meeting.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

Public Comment

Kerianne Steele, an attorney from Weinberg, Roger & Rosenfeld and counsel for SEIU Local 721 thanked the PERB Board and the entire agency for developing a large team of experts regarding public sector striking, prioritizing strike cases, and devoting considerable resources to the recent SEIU Local 721 strike. Ms. Steele also acknowledged SMCS Director Jerry Fecher who mediated a line pass logistics dispute. Ms. Steele stated PERB was a leader and a defender of both the right to strike and the interests of the public.

Ardy Raghian, an attorney from Weinberg, Roger & Rosenfeld and counsel for SEIU Local 721, stated he has worked with many of PERB's attorneys who served as mediators for line pass negotiations. He stated the mediators were professional, dedicated, and they even stayed up late with the parties to help reach an agreement. Mr. Raghian thanked Brendan White who stayed up until 6am the next day to assist with parties. He stated the Board's involvement facilitated a smooth process resulting in tens of thousands of workers exercising their right to strike. Mr. Raghian also thanked Kimberly Procida, Sarah Kang Rhee, Laura Davis, Yaron Partovi, and Christina Nielsen.

Chair Banks thanked the Office of the General Counsel for their amazing work during the strike in Los Angeles.

Member Krausse stated that the General Counsel was very detailed in his work.

Member Krantz noted that almost the entirety of the Office of the General Counsel worked on the case regarding the strike, and the others who didn't work on the case handled everything else that was before the Office of the General Counsel. Member Krantz also thanked SMCS for their efforts as well.

<u>**Executive Staff Reports:**</u>

Report – Executive Director

Susan Davey, Executive Director, spoke regarding 4 bills in process at the Legislature. AB 283 the In-Home Supportive Services Employer-Employee Act, moves In-Home Support Services providers from coverage under the Meyers-Milias-Brown Act to their own dedicated Labor Relations Statute. It passed the

Assembly and has moved to the Senate and is awaiting a policy committee assignment by the Rules Committee.

AB 288 regarding PERB Jurisdiction of NLRB proposes to expand the Board's jurisdiction to include certain private sector workers. The bill would allow workers who are initially covered by the National Labors Relations Act as of January 1, 2025, to petition PERB for the enforcement of their rights to organize and collectively bargain under specific circumstances. It has passed the Assembly and has moved to the Senate and is awaiting a policy committee assignment by the Rules Committee.

AB 1340, The Transportation Network Company Drivers Labor Relations Act would grant 400,000 to 800,000 rideshare drivers the right to form and collectively bargain with companies like Uber and Lyft over their pay and working conditions. It has passed the Assembly and has moved to the Senate and is awaiting a policy committee assignment by the Rules Committee.

AB 1510 provides Santa Clara Valley Transportation Authority (VTA), its unions, and intervenors the right to appeal decisions of PERB. It has passed the Assembly and is at the Senate Committee on Labor Public Employment and Retirement.

Ms. Davey recognized career anniversaries at PERB. Mike Perez has been with PERB for one year. Jessica Lalanji has been with PERB for five years. Jun Payoyo and Gerald Adams have been with PERB for ten years.

Report - Division of Administration

Susan Davey, Executive Director, welcomed Orobosa Batis as the new Deputy Executive Director and Arianna Perez as a new Staff Services Analyst in the Office of the General Counsel.

Ms. Davey reported a total of 77 filled positions plus two part-time retired annuitants and four vacancies. The vacancies include two appointments and two attorneys with the Office of the General Counsel where recruitment is currently on-going.

Ms. Davey thanked the Department of General Services and the Department of Finance for their assistance with the new office space.

Ms. Davey stated for the budget, there is a projected balance of $89,148.

Ms. Davey stated IT has finished the Information Security Program Audit and thanked the California Department of Technology for helping PERB keep its network safe. IT has also completed some network firewall upgrades and is completing zoom testing and other platforms to determine which provides the most accessibility to the parties.

Report - Office of the General Counsel

Felix De La Torre, General Counsel, provided staffing updates for the Board. Jessica Kim has been promoted to Attorney Supervisor for the San Francisco Regional Office. Fernando Reyes has been promoted to Attorney III.

Mr. De La Torre reported that from April to May, the Office of the General Counsel received 139 new unfair practice charges. This increased from February to March where the Office of the General Counsel received 113 new unfair practice charges.

From April to May, the General Counsel's Office completed 115 case investigations compared to 77 case investigations completed in the February to March period.

From April to May, the General Counsel's Office issued 59 complaints and dismissed 24 charges compared to 38 complaints issued and 20 dismissed in the February to March period.

The average time from filing to disposition of UPCs is 192 days in the April to May period compared to 151 days from February to March. The current active caseload has ticked up to 341 from 333.

Regarding factfinding requests, the General Counsel's Office had received three requests in the April to May period and three in the February to March period.

Representation petitions have risen to 25 during the April to May period from 15 in the February to March period.

Mr. De La Torre reported on two requests for injunctive relief, three 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 that Administrative Law Judge Nicole Teixeira has completed her probationary period. Mr. Cu also reported recruitment for a staff services analyst is ongoing.

For Case Processing, Mr. Cu stated there were 29 new cases assigned from April to May compared to 18 cases assigned during the February to March period. The number of cases pending issuance of a written proposed decision was reported at 35 compared to 41 during February and March. From April to May there were 43 total active hearings compared to 32 during February and March. There were two expedited cases during both periods and one abeyance during April and May.

For Formal Hearings, Mr. Cu stated that from the April to May period there were 31 days of hearings, and six formal hearings completed, while in the February to March period there were 57 days of hearings, and 16 formal hearings completed.

Regarding Case Dispositions, Mr. Cu stated that from the April to May period, 15 cases were withdrawn and 12 Proposed Decisions issued. During the February to March period 16 cases were withdrawn and eight Proposed Decisions issued.

Mr. Cu stated the Administrative Law Division is scheduling hearings for August 2025 in Sacramento, Oakland, and Glendale.

Mr. Cu reported the average number of days to issue a Proposed Decision is 99 days.

Lastly, Mr. Cu. provided data regarding the 2024-2025 Fiscal Year Exceptions Rate, which is currently 32% compared to last year where it was 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 32%, the past 12 months the exceptions rate was 36%, the past 18 months the exceptions rate was 37%, the past 24 months the exceptions rate was 38%, and lastly in the past 36 months the exceptions rate was 38%.

Chair Banks stated he was excited that Mr. Cu filled the senior positions in the Division of Administrative Law and welcomed Jana and Bernhard.

Report - State Mediation & Conciliation Service (SMCS)

Gerald Fecher, Director of SMCS, provided a Case Processing update to the Board. Mr. Fecher stated that from April to May, SMCS had 178 active cases compared to the 128 active cases from February to March. SMCS opened 117 cases from April to May and 71 cases during February and March. From April to May SMCS closed 67 cases, while during February to March it closed 93 cases.

For Representation and Election, there are eight current matters.

For Program Administration, Mr. Fecher reported that, in April to May, SMCS received a total of $3,000 in chargeable services from the Arbitration Panel Program and $460 from the Conflict Resolution in the Workplace program, totaling $3,460. In February to March, SMCS received $3,877.50 in chargeable services from the Arbitration Panel Program and $977.50 from the Conflict Resolution in the Workplace program, totaling $4,855.

Regarding Personnel Administration, Mr. Fecher reported SMCS has continued to take on significantly more private sector cases due to reduction of services from the Federal Mediation & Conciliation Service (FMCS). Mr. Fecher reiterated that on March 14, FMCS ceased providing grievance mediation services for the private sector, so SMCS has begun taking private sector grievance mediation cases due to the staff reductions in FMCS. Mr. Fecher noted that starting in April, SMCS started taking on contract negotiation mediation, including impasse mediation requests for private sector matters. SMCS has taken on 40 private sector mediation cases since March 14. Mr. Fecher stated he is happy as SMCS has received positive responses from constituents both labor and management. Mr. Fecher noted that SMCS has received an increase from public sector constituents regarding training and facilitation.

Mr. Fecher acknowledged SMCS and PERB staff for its work in connection with the SEIU Local 721 strike. Mr. Fecher noted three SMCS staff present, Jun

Payoyo, Ken Glenn, and Jessica Ialanji at the SFRO office who brought brochures detailing SMCS's services.

Member Paulson thanked Mr. Fecher for his report and asked would the 40 private sector cases currently before SMCS stay with them if Federal Mediation starts again. Mr. Fecher responded that SMCS would retain the 40 cases because SMCS does not have a jurisdictional bar to conduct private sector services. In the event FMCS is restored, Mr. Fecher stated he would be in contact with them to work out details regarding the workload.

Member Krantz thanked Mr. Fecher for the report and SMCS staff for their work assisting private sector labor relations committee.

Chair Banks asked if SCMS is doing any advertising for SMCS services. Mr. Fecher responded that usually both unions and management contact SMCS asking for services so there is not too much advertising but will continue to do more outreach if needed. Chair Banks also thanked SMCS staff for their work.

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

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

<u>Old Business</u>

Chair Banks stated the written report was not finished for the June meeting regarding the Case Processing Efficiency Initiative and will be moved to the August meeting.

Member Krantz presented an update from the electronic voting committee which was charged with finding changes to PERB regulations to facilitate electronic voting as an option for Board agents to consider in processing representation matters. Member Krantz stated the committee has review documents regarding the first electronic election that PERB oversaw and has decided it is a valuable tool and changes to the Regulations would be helpful and will be getting back to the Board for proposed regulatory changes at a later meeting.

New Business

Chair Banks noted that The Educational Employment Relations Act and the Higher Education Employer-Employee Relations Act require that PERB select and bear the costs of the services of the fact-finding chairperson, including per diem fees and actual and necessary travel and subsistence. Prior Board action set the rate for fact-finding services at $1,300 per day with a seven-day contract maximum. The Board reviews the compensation for fact-finding panel chairpersons annually for potential modification.

Ms. Davey spoke before the Board, stating in the last fiscal year PERB initiated eight contracts and the total annual cost was $30,835. It is set against the annual allocation of $100,000 for factfinding. Ms. Davey compared this fiscal year to the last where there were 11 contracts that came to $51,383. Ms. Davey recommended increasing the rate for fact-finding services to $1,500 per day with a seven-day contract maximum. Ms. Davey stated there is no longer a cap on the cost of travel, but it is monitored closely to ensure there isn't excessive travel.

Motion: Motion by Member Krausse and seconded by Member Krantz to approve the recommendation to increase the compensation rate for the chairperson to $1,500 per day with a seven-day contract.

Assents: Banks, Krantz, Paulson, Krausse

Motion Adopted - 4 to 0

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 August 14, 2025, in the Headquarters Office in Sacramento.

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 Paulson and seconded by Member Krausse to recess the meeting to continuous closed session.

Assents: Banks, Krantz, Krausse
Dissent: Paulson

Motion Adopted - 3 to 1

APPROVED AT THE PUBLIC MEETING OF:

August 14, 2025