

**CONNECTICUT DEPARTMENT OF LABOR
CONNECTICUT STATE BOARD OF LABOR RELATIONS**

**BOARD MEETING
January 17, 2008**

MINUTES

Present: John W. Moore, Jr.; Patricia V. Low; Wendella A Battey; Katherine C. Foley; Jaye Bailey; and Joanne Coligan.

The meeting was called to order by John W. Moore, Jr., Chairman, at 9:30 a.m.

I. ACCEPTANCE OF MINUTES

Upon a motion duly made by Wendella A. Battey and seconded by Patricia V. Low, the Board unanimously

VOTED to accept the Minutes of the December 20, 2007 Board Meeting as presented.

II. GENERAL COUNSEL REPORT

- a.) Scheduling** - Jaye Bailey reported that the draft in Wilton Motion to Dismiss (MPP-26,416) is ready for the Board to pick up today. Jaye reported that one more brief is due in January (Stratford), two briefs are due in February and one in March. She noted that deliberations are scheduled through May. Jaye also noted that the record in Bridgeport/IAFF (MPP-25,799) is ready for John Moore and Wendella Battey to pick up today.

Wendella Battey stated that she is not available on the following dates: March 20, 2008; March 27, 2008; April 3, 2008, April 10, 2008 and April 17, 2008. The following changes have been made on the calendar to accommodate Wendella's schedule: The Hartford/HMEA Compliance Hearing will be moved from April 3rd to April 9th; the March Board Meeting will be moved from March 20th to March 15th; and the April Board Meeting will be moved from April 17th to April 16th.

Pat Low stated that she is working on the Findings of Facts in MDC Motion to Dismiss (MPP-25,721) and is planning to have it completed by next week. Pat noted that deliberations in this case, currently scheduled for April 15, 2008, can be moved up to an earlier date if a date opens up on the calendar.

- b.) Review of Records** - Pat Low expressed her concern with how termination cases are being handled. She noted that it has always been our policy to schedule termination cases as soon as possible. She alluded to Manchester Board of Education (MPP-26,669) which was scheduled for a hearing on December 19 and postponed to a date months down the road. She stated that it is very disturbing to see what is happening with these cases and suggested that this issue be discussed at next month's meeting. Kathy Foley stated that the hearing in question was postponed due to the unavailability of a witness (Anthony Bento). She indicated that she had made

every attempt to reschedule this hearing for an earlier date but failed to get the cooperation from the parties. Attorney Mills objected to the postponement, but the union insisted that the hearing could not go forward without Mr. Bento. The hearing which was originally scheduled for December 19th was bumped to make room for this termination case.

Jaye questioned whether dates could be blocked off on the calendar for termination cases to which Kathy responded that they could. Kathy noted that there is no unusual pattern of abuse with regards to postponement requests in termination cases and that in this particular case, unavailability of witness comes under our policy for granting postponements. Wendella noted that we can't change our policy with every situation that arises, particularly since it is not often abused. She added that "unavailability of witness" is a legitimate reason for granting a postponement and should remain in our policy. Further discussion ensued on this subject.

Kathy Foley reported that Attorney Gagne called a month ago stating that he could not be here for the Council 4/Mary Bagnaschi (U-26,632) hearing scheduled for Thursday, January 24th. Attorney Gagne told her that he will send someone else in his place. He stated that he wants to reserve his right to come back.

Pat Low inquired about the issue in Simsbury Light Opera Company (U-26,546), scheduled for tomorrow. Kathy Foley noted that a jurisdictional question will be raised. The union alleges that the SLOC has discriminated against its members by discouraging membership in the Union through its refusal to hire union members for positions in its orchestra. The NLRB has declined jurisdiction of the case and a partial stipulation has been prepared for tomorrow's hearing.

The issue of postponing the hearing due to anticipated inclement weather was raised. Kathy Foley stated that she will contact the Board prior to 8:00 a.m. if a postponement due to weather conditions is necessary.

III. COURT REPORTER

Jaye noted that she did not write the letter to Dolores Falzarano as discussed at last month's meeting, but that she will draft it today and put it in the Board's boxes for their review. Kathy noted that Jaye was also going to reach out to Brandon to cover some of our hearings.

IV. AGENT'S REPORT

Kathy Foley reported 309 have been closed since July 1, 2007; 328 have been filed since that date and 358 cases remain open. She noted that we are up 36 filings since last year. Kathy noted that we are presently in the window period; 12 petitions have been filed so far and more are expected to come in.

V. ADJOURNMENT

There being no further business to come before the meeting, a motion was duly made by Wendella A. Battey, seconded by Patricia V. Low, and it was unanimously

VOTED to adjourn the meeting.