

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

**BOARD MEETING
April 16, 2009**

MINUTES

Present: John W. Moore, Jr., Patricia V. Low, Wendella A. Battey,
Katherine C. Foley, Alexandra Gross 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 Patricia V. Low and seconded by Wendella A. Battey, the Board unanimously

VOTED to accept the Minutes of the March 19, 2009 Board Meeting as presented.

II. GENERAL COUNSEL'S REPORT

- a.) **Scheduling** - Alex Gross reported that a new deliberation schedule has been provided for the Board in their mail boxes. She noted that two deliberation sessions have been scheduled in May - Hamden/Council 4 (MPP-25,904) on May 5th and State DSS/A&R Employees Union (SPP-25,893) on May 12th.
- b.) **Review of Records** - Alex Gross reported that four briefs are due in the beginning of May - two of which are the NAGE/Bridgeport cases (MPP-24,411 & MPP-25,195). The other two cases are Bridgeport/IAFF (MPP-26,819) and Derby/Council 4 (MP-27,589).
- c.) **Litigation Update** - Alex Gross reported that an appeal was filed by Attorney Gagne in **Milford Board of Education & Local 2018, Council 4, AFSCME, AFL-CIO (Appeal from Dec. 4368)** involving a grievance settlement. In **Region 16 Board of Education v. SBLR, Region 16 Education Association (Appeal from Dec. No. 4270)**, a pretrial conference was held on March 31, 2009 at which time the judge recommended that the case be transferred to CT Supreme Court. Alex noted that the parties are waiting to find out if the transfer is granted. In **City of New Britain v. CSBLR et al (Appeal from Dec. No. 4358)**, a pretrial was held on April 8th in Superior Court where the parties made headway in settling the case. The argument on the Motion for Stay did not go forward at that time. A second pretrial conference is scheduled in New

Britain Superior Court on April 28th. The argument on the Motion for Stay will also go forward on that date. In **Locals 2863 et al v/Town of Hamden, SBLR, (Appeal from Dec. No. 4343)**, a briefing schedule has been set: The Plaintiff's brief is due on April 22nd and the Defendant's brief is due on May 22nd. In **State of CT, Public Safety & OLR, OPM v. SBLR et al (Appeal from Dec. 4249)**, all briefs have been filed; the parties are waiting for an argument date with the CT Supreme Court. In **Greenwich v. CSBLR et al (Appeal from Dec. No. 4348)**, a second pretrial conference is scheduled for April 22nd. Also scheduled for that date is argument on the Union attorney's Motion to Withdraw from the case. In **Council 4, AFSCME v. SBLR, Bligh, (Appeal from Dec. No. 4066)**, Attorney Brignole has requested Board compliance proceedings. Kathy Foley reported that she sent Attorneys Gagne and Brignole a conference notification letter for May 5th. She noted that we will try to settle at that level; but if our attempts are unsuccessful, we will come back to the Board for a compliance hearing.

Pat Low raised the issue of Status Report format. She finds the report somewhat confusing and suggested that it be split into two separate reports: one which displays the procedural symbols and the other set up to track each case from hearing date to decision issuance date. She noted that it has been awhile since the Board has reviewed a decision draft and that time should be set aside each week to work on writing drafts. Alex responded that she is doing the best she can under the circumstances. She is presently working on the NAGE/Bridgeport (MPP-27,310) lay off draft and has been devoting much of her time to an arduous court schedule.

The Board reviewed the Status Report to see what cases should be given priority. Wendella Battey stated that the drafts should be written in the order they were deliberated. The cases which the Board deemed to be priority are East Hartford/IAFF (ME-27,324); Alice Chacho (SPP-27,207), Bridgeport/NAGE (MPP-27,310) and the Bridgeport Police (MPP-26,935).

It was noted that as long as the General Counsel position remains vacant, a backlog of work should be anticipated. Kathy Foley reported that at the recent Director's Meeting she attended, the Commissioner told her that she will take another look at the General Counsel position. While this position is mandated by State Statute and should be given precedence, some units will be taking substantial hits due to retirements. It was also mentioned that due to budgetary constraints, it is very unlikely that anything will be done before the end of the fiscal year.

III. AGENT'S REPORT

- a.) **Statistics** - Kathy Foley reported that 492 cases have been filed this fiscal year. Filings this year are slightly higher than last year (464 were filed last year) due to the fact that 17 DFR cases were filed recently against a teacher's union. 339 cases were closed and 330 remain open.

IV. OTHER BUSINESS

- a.) **Board Fees** - Pat Low raised the issue of the Board fees budget figure. Kathy Foley stated that there is no longer a strict line item budget figure for Board fees; rather, the money used for Board fees comes from a pool of money allocated for Labor Relations.

- b.) **Postponement Requests** - Kathy Foley reported that a fax was received from Attorney Andrew Morrissey on April 15, 2009 requesting a postponement of the April 29th formal hearing in Town of Bloomfield & UPSEU (MPP-26,542). The Notice of Hearing was mailed out on March 2, 2009 which is well beyond the 10-day notification period required for free postponements. His letter stated that Don Strickland has no objection to this request as he is scheduled for surgery during that time. Attorney Morrissey also indicated that he is scheduled for arbitration which he anticipates will run beyond 1:30 p.m. Mediation and Arbitration and the Board of Labor Relations have an understanding that whichever notice is mailed out first will be given precedence. The arbitration letter which Morrissey faxed to this office was dated February 6, 2009. Apparently, he waited six weeks to notify us that he was not available. Wayne Gilbert told Kathy that he is at fault because he was waiting for the arbitration issue to settle. The Board approved the postponement request.

Kathy Foley reported that Attorney Dan Hunsberger faxed this office a request to postpone the April 24th Town of Bridgeport & Bridgeport Fire Fighters (MEE-27,685) hearing. The Notice of Hearing was sent out on March 25, 2009. We received his request, dated March 31st, on April 13th. It appears that he back dated the letter to fall within the 10-day requirement for postponement notification. The Board denied Attorney Hunsberger's request for a postponement. Kathy noted that Attorney Hunsberger said that he thinks he's going to settle the case or he will send someone if its within the 10 days.

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.