

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

**BOARD MEETING  
June 24, 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 1:30 p.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 May 21, 2009 Board Meeting as presented.

**II. GENERAL COUNSEL'S REPORT**

- a.) **Scheduling** - Alex Gross reported that three cases need to be scheduled for deliberations. The first is Attorney Krzys's Motion to Dismiss and Christopher Walsh's Objection to the Motion in State DDS/CSEA & Christopher Walsh (SPP-27,675 & SDR-27,890); the second, East Hartford Board of Education (ME-27,324), is ready for the Board to pick up today; and the third is Bridgeport/NAGE/Stephen Nelson (MPP-24,411 & MPP-25,195). The Board decided to deliberate the Christopher Walsh case on Wednesday, July 1, 2009.
- b.) **Litigation Update** - Alex Gross reported that three cases are currently in litigation: Two are in Supreme Court: **Captains/Lieutenants (Appeal from Dec. 4249)**, waiting for an argument date with the Connecticut Supreme Court; and **Region 16 Board of Education (Appeal from Dec. No. 4270)**, a briefing scheduled has been established - Plaintiff's briefs are due on 7/2/09 and the Defendant's on 8/1/09. The third is in trial court, **Locals 2863 et al v. Town of Hamden, SBLR (Appeal from Dec. 4343)**, a briefing schedule has now been set - Plaintiff's briefs are due on 7/30/09 and the Defendant's on 8/30/09.

**III. AGENT'S REPORT**

- a.) **Budget Update** - Kathy Foley reported that it is not known for certain but it does not appear that we will have a budget in place by July 1, 2009.

She noted that the last time we faced a budget impasse, the State was temporarily shut down. The Governor may have to order an emergency extension in order to keep State agencies afloat until a budget is in place. At the Director's meeting, Bob Merola mentioned that our funds have been drastically cut and that Board fees may be affected. The pool of money for agencies that conduct hearings was dropped to \$750,000. Kathy will be meeting with Carl Schuh to find out what we can anticipate out of the \$750,000. She intends to put forth a convincing argument as to why we should get an appreciable cut of the money. Kathy noted that she will report back to the Board after meeting with Carl Schuh.

Kathy reported that the number of hearing days dropped from 72 last year to 67 this year - that's five hearing days down from last year. The number of cases filed this year were 595 cases compared to 605 filed last year. She noted that case filings have dropped steadily each year since 2003. In answer to a question posed by Wendella Battey regarding why Mediation and Arbitration operates on a larger budget than Labor Relations, Kathy stated that they conduct more hearings than we do, on average, five hearings a day. Even though Mediation and Arbitration filings have gone down, they are still much higher than Labor Relations. A question was raised regarding Mediation and Arbitration Board fees. Kathy noted that even though Mediation and Arbitration Board fees have been increased, the hours they get paid have decreased. Mediation and Arbitration Board members are paid \$250.00 per case which does not include second hearings or Board meetings.

John Moore asked whether the vacant positions required to be filled by statute are included in the budget. Kathy stated that none of the vacant positions are anticipated to be filled until after the dust settles.

Pat Low stated that the Consortium should have been put to a halt this year. She believes that it is an expense that need not be incurred on a yearly basis, particularly during hard economic times. Alex stated that it was too late for the Consortium to cancel this year's program as it ran the risk of losing a substantial amount of money.

Kathy reported that the Board should be aware of a Mediation and Arbitration case now in court on an application to vacate an arbitration award. An issue raised in the case is whether Executive Sessions are public hearings. Kathy brought the matter to the Board's attention since it could potentially affect our deliberation sessions, which have always been closed to the public. The Board asked Alex to meet with Cathy Serino to find out more information on this issue and then report back to the Board so they can determine whether the matter warrants their involvement.

- b.) **Statistics** - Kathy Foley reported that 595 cases have been filed this year compared to 605 filed last year; 571 cases have been closed and 310 remain open.
- c.) **Court Reporter** - Kathy Foley reported that Dolores Falzarano did not bid on the new contract. Kathy has sought to extend her contract to the end of August to cover the adjourned cases she was handling. Kathy noted that the new contract list includes Brandon Smith Reporting Service LLC; Fiore Reporting and Transcription Service, Inc.; Post Reporting Service, Inc.; Nancy E. Paretto (Qualified Reporting Services); Transcription Plus, Inc.; and United Reporters, Inc. It was noted that the Board is very pleased with the work performed by Barbara Scott and is disappointed to lose her services. Kathy noted that Barbara is an independent contractor and can work with any of these groups. After a brief discussion on the matter, the Board decided to use the services of Post Reporting Service, Inc. and Qualified Reporting Services.

#### IV. **EXECUTIVE SESSION**

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

**VOTED** to enter into an Executive Session at 2:10 p.m. for the sole purpose of discussing a personnel matter. There being no votes or action taken in Executive Session, a motion was duly made, seconded and it was unanimously

**VOTED** to reconvene the public session of the meeting at 2:15 p.m.

#### V. **ADJOURNMENT**

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

**VOTED** to adjourn the meeting.