

CONNECTICUT STATE BOARD OF LABOR RELATIONS

BOARD MEETING

October 19, 2011
9:30 a.m.

MINUTES

Present: Patricia V. Low, Wendella A. Battey, Barbara J. Collins,
Katherine C. Foley, Harry B. Elliott, Jr. and Joanne Coligan

The meeting was called to order by Chairman, Patricia V. Low at 9:30 a.m. The Board took a few moments to read over the Minutes of the August 24, 2011 Meeting.

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 August 24, 2011 Board Meeting as presented.

II. GENERAL COUNSEL'S REPORT

- a.) **Decisions** – Harry B. Elliott, Jr. reported that since the last Board meeting, ten (10) decisions have been issued. He noted that on one of these decisions – Vernon Board of Education, TPP-27,909 (Decision No. 4552) - a Petition for Reconsideration was filed by the Union on October 5, 2011. In a memo dated October 6, 2011, Harry summarized the facts for the Board to consider when deciding to either grant or deny the petition. At the present time, no draft decisions are being reviewed by the Board; however, the Board is currently reviewing a draft procedural order. Harry noted that he expects to give the Board three (3) draft decisions within the next two weeks – Windsor (MPP-28,425); Hartford Board of Education (TPP-27,644); and Stratford (MPP-28,385).
- b.) **Litigation Update** – Harry reported that the Bridgeport CAD pretrial is continued to December 19th and that Alex will be handling the proceedings. In Middletown (MPP-27,579), the Board of Education took an appeal on September 26th. No pretrial has been scheduled in this case.

A discussion ensued regarding the deliberation schedule.

- c.) **New Haven/IAFF (MPP-28,853)** – Harry reported that in the New Haven Firefighters case, the employer filed a Motion to Dismiss on the matter of jurisdiction at the initial hearing on April 27, 2011. The Union filed its Memorandum in Opposition to the Respondent's Motion to Dismiss on May 11, 2011. So far no action has been taken on the Motion to Dismiss.

III. HEARING ROOM DECORUM – CONDUCT AT HEARINGS

Wendella A. Battey raised the issue of proper decorum in the hearing room and appropriate conduct during hearings. She noted that too often the parties show a lack of respect for the Board by using their cell phones in the hearing room or by walking into the room after the 1:30 p.m. starting time. Wendella stated that the hearings should start promptly at 1:30 p.m. and if one party is present, then the Board should begin the proceedings with one party. She thinks it would be a good policy to record the time when the parties walk in the room. She also stressed the fact that the hearings should be conducted in a quasi-judicial manner beginning with the admission of exhibits and preliminary statements. Another problem observed by Wendella is the parties taking time from the hearing proceedings to work out a settlement. She believes that the parties should reach a resolution prior to coming to the hearing. She noted that parties spending time in a conference room discussing settlement strategies has become the norm. She also feels that breaks tend to go on too long. A long discussion on this issue ensued. A suggestion was made to include a statement on the hearing notice with respect to breaks for settlement discussions. Wendella noted that she always asks the parties to please turn off their cell phones before the hearing starts. Another suggestion was to have signs posted in the hearing room regarding turning off cell phones. Kathy Foley suggested that when the parties want to take time to work out a settlement, the Agent or Assistant Agent can be summoned to monitor the process. She also noted that in instances where the parties are close to settling a case, it is preferable to allow them time to reach a settlement rather than to go forward with the hearing and issuance of a decision. Barbara Collins noted that the Board needs to be more firm with its policy. She suggested that a note be attached to the hearing notice stating that if the parties are close to a settlement, they should come in one half hour prior to the start of the hearing for that purpose, otherwise the hearing will begin sharply at 1:30 p.m.

IV. AGENT'S REPORT

- a.) **State Petitions** - Kathy Foley reported that the State petitions have been scheduled for a formal hearing on December 7 and 12. Objections to these dates are already coming in. She noted that there are seven or eight attorneys involved with these cases and they have been told up front that it would be a “nightmare” for us to contact each one of them to schedule hearing dates. Attempts were made to schedule these hearings in November, but one of the attorneys will be away from November 14th through December 1st and another is on trial for two weeks beginning on November 7.
- b.) **Statistics** - Kathy Foley reported that 207 cases were filed since July 1, 2011 – this is 10 filings down from last year at this time. She noted that 177 cases have been closed during this time period and 352 cases remain open.

V. EXECUTIVE SESSION

Pat Low stated that the Board will now enter into an Executive Session at 10:40 a.m. to discuss a personnel matter and that the Agent and General Counsel will be included in this session. Pat noted that no votes are expected to be taken while in Executive Session.

Upon a motion duly made and seconded, it was unanimously

VOTED to reconvene the public session of the Board Meeting at 11:00 a.m. No votes were taken in Executive Session.

VI. ADJOURNMENT

There being no further business to come before the meeting, a motion was duly made, seconded, and it was unanimously

VOTED to adjourn the meeting.