

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

**BOARD MEETING
August 27, 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 July 23, 2009 Board Meeting as presented.

II. ACTING GENERAL COUNSEL'S REPORT

a.) Scheduling - Alex Gross reported that the Board has been provided with the most recent list of cases ready to be scheduled for deliberations. The Board agreed to the following deliberation schedule:

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| September 10 | - | NAGE-R1 (Stephen Nelson) and City of Bridgeport, Case Nos. MPP-24,411 & MPP-25,195. Deliberations will begin at 11:30 a.m. |
| September 16 | - | Town of East Hartford and IAFF, Local 1548 & CSEA, SEIU Local 2001, Case No. ME-27,324. |
| October 6 | - | Town of Bloomfield and UPSEU, Local 222, Case No. MPP-26,542, on Motion to Dismiss. |
| October 13 | - | City of New Britain and Local 292, IAFF, Case No. MPP-27,079. |
| October 21 | - | Town of Griswold and Council 4, Local 1303-133, Case No. MPP-27,206. |
| November 6 | - | NEHCEU, District 1199, SEIU and Joe Rosa, CSW Union Delegate, Case No. SUPP-27,737. |
| November 18 | - | Town of Enfield and James Argenta & Council 4, AFSCME, Case No. MPP-27,229. |

- b.) **Review of Records** - Alex reported that four records are due in September: Town of Stratford & Council 4 (MPP-26,641); State of CT, & Council 4 (SPP-27,321); Town of Farmington & Council 4 (MPP-27,382); & City of Middletown & Council 4 (MPP-27,948). In addition, she is expecting briefs to come in from David Dunn in City of Bridgeport (MPP-26,819). She noted that numerous extensions have been granted in this case since February 2009. Dan Hunsberger's briefs were received on August 26th.
- c.) **Litigation** - Alex reported that in **State of CT, Public Safety & OLR, OPM v. SBLR et al (appealed from Dec. No. 4249)**, we were not on the CT Supreme Court docket for September, but will most likely be put on the October docket which begins on October 19th. **Region 16 Board of Education v. SBLR, Region 16 Education Association (appealed from Dec. No. 4270)** is in CT Supreme Court. Our briefs were originally due on August 1st, but are now due on September 25, 2009. **Locals 2863 et al v. Town of Hamden, SBLR (appealed from Dec. No. 4343)** is in trial court. Our briefs are due on August 30th; we are waiting for an argument date.

Pat Low, having reviewed the current status report, expressed her concern that several old cases are still pending decision drafts. She noted that State of CT, CSEA, SEIU (SPP-26,143), which was deliberated on March 26, 2009, is still pending. Kathy Foley stated that she is working with the parties on this case. After a brief discussion, Kathy stated that she will notify Atty. Krzys that the Board is intent on issuing a decision in this case. Pat also inquired about the following pending cases: Stratford (MPP-26,645); Bridgeport (MPP-26,935); Suffield (ME-27,477); and State of CT, DAS (SPP-25,893). Alex noted that East Granby (MPP-26,913) was issued on August 13, 2009. Pat stated that the February and March cases should be issued first. Kathy mentioned that in keeping with our policy regarding petitions, the Suffield case should be given priority over the other cases. Alex stated that she has been very busy with court cases, but will do her utmost in getting drafts written on these pending cases.

III. AGENT'S REPORT

- a.) **Statistics** - Kathy Foley reported that 116 cases have been filed since the start of the fiscal year. This figure is 29 cases up from last year's 87 cases filed during the same time period. She noted that 92 cases have been closed and that 334 remain open.

Kathy reported that the Month of August is petition filing time, and there are rumors that a petition may be filed on behalf of the Judicial Marshals. She noted that if the rumors are true, Ron Suraci would have to file his petition by Monday, August 31st. Kathy stated that the UConn doctors may also be filing a petition with regard to a tentative merger with the City of Hartford.

- b.) **Christopher Walsh - Declaratory Ruling** - Kathy reported that Christopher Walsh filed a third Declaratory Ruling. She noted that the first one has been dismissed. The Board discussed the case at length. Kathy offered two options for the Board to consider: a.) the Board can dismiss the declaratory rulings without a hearing, or b.) The Board can deal with it at the October 1st hearing; Ellen Carter and Robert Krzys can request to dismiss the declaratory rulings on the record.

Wendella stated that the declaratory rulings should be dismissed without a hearing. Pat stated that Mr. Walsh should be told at the hearing that these are not substantial declaratory rulings and should be dismissed. She noted that the best way to deal with the situation is at a hearing on the record. Kathy stated that if a motion to dismiss is not filed by either Bob Krzys or Ellen Carter, the Board could be obliged to go forward with the cases. Kathy suggested that a letter be sent out prior to the October hearing stating that the Board is going to address the pending 2nd and 3rd declaratory rulings at the October 1st hearing and that the parties must respond. The Board decided to meet on September 2, 2009 at 10:00 a.m. to discuss the 2nd and 3rd Declaratory Ruling. Pat will confirm the time after checking her schedule.

IV. **OTHER BUSINESS**

Court Reporter Work - Kathy Foley reported that Commissioner Mayfield sent a memo to the Directors stating that she will be setting up a committee to see how our jobs can be performed more efficiently. Kathy noted that she is exploring ways in which staff can become a little busier. She asked the Board if they thought it would be feasible to have support staff take on

court reporter work. She noted that United Reporters told her that it is common practice for court reporters to drop off a recording device at a hearing and then pick it up when the hearing is over. Kathy stated that perhaps we could have support staff set up a recording device at the hearing and then produce transcripts from the recording. She noted that she is not suggesting that we cover all the hearings, just a few each month. Pat Low stated that a tape recorder was used years ago by staff to cover hearings in a pinch when a court reporter was not available or failed to show up for the hearing.

Kathy stated that we would save a good deal of money by preparing the transcripts ourselves. She said that during the months of May and June, almost \$4,000 was spent on court reporter services. Kathy noted that some of our workload has decreased over the years due to the use of computers.

Wendella asked if there were to be a reduction in staff, what position would be eliminated. Kathy stated she sees no reduction in the foreseeable future. Pat stated that staffing matters should be discussed in executive session. Wendella inquired about cross training, whereas Kathy answered that we have been cross training right along to cover sick days and vacation schedules. Wendella asked Kathy what function is performed by support staff. Kathy replied that they answer and direct all incoming phone calls, perform all secretarial duties for four assistant agents and Agent which involves scheduling conferences, preparing conference notices, election materials and all related correspondence and separate Board functions. Pat asked Kathy to investigate the staffing situation which will be discussed at next month's Board Meeting.

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.