

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

**BOARD MEETING  
December 17, 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 Wendella A. Battey and seconded by Patricia V. Low, the Board unanimously

**VOTED** to accept the Minutes of the October 23, 2009 Board Meeting as presented.

**II. ACTING GENERAL COUNSEL'S REPORT**

**a.) Scheduling** - Alex Gross reported that two cases need to be scheduled for deliberations as soon as possible. Four other cases also need to be scheduled. Weston & Council 4 (MPP-27,485) Motion to Quash Subpoena is scheduled for a hearing on March 18, 2010 and the Board's decision must be issued sometime prior to that date. The Town feels that the subpoena is unduly burdensome and seeks the production of documents that are not relevant to this matter and/or contains confidential personnel information. The Town also seeks that certain confidential employee information be redacted from the requested documents at the expense of the Union. The Board decided to review the Motion to Quash this evening and call Alex in the morning with its decision.

Alex reported that the Enfield/Argenta (MPP-27,229) case needs to be scheduled for deliberations. The Board decided to schedule this case for January 12, 2010 at 12:30 p.m.

The Board also scheduled the following cases for deliberations: 1) City of Bridgeport & IAFF (MPP-26,819) is scheduled for January 19, 2010 - Wendella Battey will do the Finding of Facts; 2) Town of Farmington & Council 4 (MPP-27,382) is scheduled for February 1, 2010 - John Moore will do the Findings of Facts; and 3) Town of Stratford & IAFF (MPP-27,746) is scheduled for February 22 - John Moore will do the Findings of Facts.

Alex noted that the Board picked up the MDC/Council 4 (MPP-27,443) case last week and will decide if this case will be deliberated on February 9<sup>th</sup> or 16<sup>th</sup>. Pat Low will notify Alex as to which of these two dates works for her.

- b.) **Review of Record** - Alex reported that two records are due in by the end of the month (although she doesn't anticipate they will come in on schedule) and five records are due in January.

The Board reviewed the proposed Board Meeting dates for calendar year 2010. These dates are to be submitted to the Secretary of States Office prior to end of calendar year 2009 as required, under Section 1-225 of the Connecticut General Statutes.

- c.) **Litigation** - Alex reported on the status of the following pending cases: **Locals 2863 et al v. Town of Hamden, SBLR (Appeal from Dec. #4343)** - the State Labor Board won in the trial court; however, the Union has appealed this case to the CT Appellate Court. **Region 16 BOE v. SBLR, Region 16 Education Association (Appeal from Dec. #4270)** - this case is in CT Supreme Court. Briefs have been submitted and we are awaiting an argument assignment from the court. **State of Connecticut, Public Safety and OLR, OPM v. SBLR et al (Appeal from Dec. #4249)** - this case is ready for argument; Alex noted that the next possible assignment is to the 5<sup>th</sup> term which begins February 8, 2010.

### III. AGENT'S REPORT

- a.) **Statistics** - Kathy Foley reported that 307 cases have been filed since July 1, 2009 - that is 33 cases up from last year (274 cases were filed last year during this time period); 310 cases have been closed and 309 remain open.

Kathy reported that Linda Galanto will be retiring as of February 1, 2010. Kathy stated that she notified the Deputy Commissioner that with Linda's retirement, we will be left with only two secretaries which will be problematic if one of the secretaries is out of the office for whatever reason. The Deputy made it clear that the position will not be filled. She noted that Wayne Gilbert has already indicated that he will be filing a large number of petitions during the window period. Twenty nine (29) petitions have already been filed as of July 1<sup>st</sup>.

Kathy reported that the Agency will not replace the printer in the General Counsel's office and that we will be transferring Linda's printer into Karen's office.

- b.) Mark Lewis** - Kathy Foley reported that Mark Lewis has requested that the Board reconsider its decision on the Motion to Dismiss and reopen cases SPP-27,542 and SUPP-27,543. Lewis indicated that he was wrongfully incarcerated during the October 28<sup>th</sup> hearing and that Attorney Houston was never retained as his lawyer, rather he was used only as a consultant. Kathy noted that she sent Attorneys O'Connor and Scheinberg copies of Mr. Lewis' request. Wendella Battey stated that she does not think that the Board should reopen these cases and that he should go to court. Alex Gross explained that the Board has until January 7<sup>th</sup> to respond to Mr. Lewis' request to reopen the hearing. If the Board acts within that time frame and grants his request, it has 90 days in which to schedule a formal hearing bringing us to March. The attorneys also must agree to a mutual date within this window period. If the Board decides to deny his request and let the decision stand as issued, Mr. Lewis will have to go through the normal appeal process.

The Board unanimously decided to grant his request and reopen the hearing. The Board will notify Mr. Lewis on January 7, 2010 and the hearing will be scheduled sometime in March 2010, on a date agreeable to both Attorneys O'Connor and Scheinberg.

#### **IV. 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.