

CONNECTICUT STATE BOARD OF LABOR RELATIONS

BOARD MEETING
September 22, 2010

MINUTES

Present: Patricia V. Low, Wendella A. Battey, Robert A. Dellapina, Katherine C. Foley, Karen K. Buffkin, and Joanne Coligan

The meeting was called to order by Patricia V. Low at 10:06 a.m. The Board took a few moments to read over the Minutes of the August 26, 2010 Board Meeting.

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 August 26, 2010 Board Meeting as presented.

II. GENERAL COUNSEL'S REPORT

- a.) **Decisions** - Karen Buffkin reported that she expects to have one (1) draft decision for the Board by the end of this week and two (2) additional draft decisions before the end of the month.
- b.) **Scheduling** - Karen reported that deliberations are currently scheduled through October 26, 2010. She asked the Board if 12:30 p.m. still works for them as a starting time for deliberations. The Board agreed that 11:30 a.m. is a better starting time for them. Karen noted that there are two deliberation sessions scheduled for next week - Tuesday, September 28th and Thursday, September 30th. She confirmed that these sessions will begin at 11:30 a.m.
- c.) **Review of Records** - Karen reported that three (3) records have been received and distributed to the Board since the last Board Meeting, and that an additional record is expected on September 30, 2010. She also noted that at the present time, two (2) records are expected in October; however, one of them is the PODS case which she anticipates will include approximately six briefs to be filed by the various Boards and Unions.
- d.) **Litigation** - Karen reported that the **Region 16 Board of Education (Decision #4270)** case was argued on September 8, 2010 and that Alex did a great job on behalf of the SBLR. In **Town of Hamden (Decision #4343)**, the Town's counsel had requested an additional 10-day extension on their brief to September 30th. Our brief is going to print today and will be filed next week. Karen stated that we received notice that the City of Bridgeport intends to appeal the decision issued on August 18th. Since the 45-day appeal period falls on October 2nd, it is expected that the appeal will be filed next week.

Karen reported that we have received an order from the Supreme Court in the Michael Piteau v. Hartford Board of Education case to file an amicus brief on or before October 15, 2010. The brief will address the question of whether the State Board of Labor Relations has primary jurisdiction with regard to claims filed by the plaintiff against both an employer and union.

III. AGENT'S REPORT

- a.) **Statistics** - Kathy Foley reported that as of July 1, 2010, 168 cases have been filed, which represents an increase of 12 cases up from last year. During this time period, 129 cases have been closed and 358 remain open.

- b.) **Stipulations** -Kathy Foley reported that at pre-trial hearings, the parties prepare a partial stipulation of facts and exhibits which helps save time and steps at the formal hearing. What has been happening recently is that the parties are preparing an entire full stipulation of facts with a request to not go before the Board. In a recent case, the parties had prepared a full stipulation, and a question arose as to whether it was necessary to bring witnesses to the hearing. Kathy noted that when the parties in the field prepare a full stip, they come in on the day of the hearing with their witnesses because they have been told they have to. A discussion ensued about the issue of whether or not the parties should be expected to put on their case when they have prepared a full stipulation. Pat Low noted that the Board doesn't have an opportunity to review the facts until the day of the hearing. She stated that when the parties come in for a hearing and say they have a full stip, the Board tries to get the parties to put on their case. There have been occasions when the Board lets them leave without a hearing.

Wendella Battey reported that the stipulation of facts and exhibits are fine. If the parties decide to come in with facts and exhibits, they should be willing to at least present a thorough opening statement. If they insist on reading from the stipulation, the Board needs to let them know that if the Board has questions, they should legally and ethically have an opportunity to ask them. Unless they are ordered to come back in to answer questions that the Board has come up with, they should make an effort to put on a good opening statement. Wendella emphasized that if the Board has questions, the parties should be ordered back in to answer them. If the Board decides to deliberate the case in three or four months, the parties should know they may have to be ordered back in to answer questions. The parties should understand that they need to present an opening statement from the complainant's witness and that the other side should have an opportunity to cross examine.

Kathy stated that if it would be helpful for the Board, we can flag those cases where the parties are expected to put on their opening statements with a full stipulation.

IV. REVIEW OF STATUS REPORT

Patricia Low reported that she and Karen have gone over the Status Report and have identified cases that have already been deliberated and are waiting to be drafted. She noted that the Walsh, O'Brien, Stratford and Rollo cases were identified as priority. Pat expressed her concern with Karen being under undue pressure dealing with an excessive workload while Alex is out on leave.

V. SECURITY

Patricia Low expressed her concern regarding the lack of proper security in this building. People come into the building who are angry and thus pose a safety risk to Board Members and others who attend hearings. She stated that some police officers come to hearings wearing guns. Kathy stated that in the past, there was a "no weapons" policy posted on the hearing notice. She noted that back in 2006, a meeting was held with Tom Hutton, Pat Tallarita, Cathy Serino and herself regarding the issue of weapons being brought into hearing rooms. In an email from Pat Tallarita back in 2006, he indicated that since the building access point has been secured, we are in a position to develop an enforceable weapons policy. He spoke with George Wentworth and asked that he assign someone to work with them on developing this policy. He stated that he was going to review the potential issue of providing a "gun lock-up" on the premises. He indicated that Forms Management would review our hearing notices and alter them to include this new policy. Pat Tallarita also proposed that Board Members, Mediators and Arbitrators be properly trained to defuse threats of violence. After a lengthy discussion on the issue of security, it was decided that Kathy Foley would communicate with Acting Commissioner Linda Agnew, check with official channels and report back to the Board. This issue will be put on the agenda for next month's meeting.

VI. 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.