

CONNECTICUT STATE BOARD OF LABOR RELATIONS

BOARD MEETING

June 6, 2011

11:30 a.m.

MINUTES

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

The meeting was called to order by Patricia V. Low at 11:30 a.m. The Board took a few moments to read over the Minutes of the May 5, 2011 Board Meeting.

I. ACCEPTANCE OF MINUTES

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

VOTED to accept the Minutes of the May 5, 2011 Board Meeting as presented.

II. GENERAL COUNSEL'S REPORT

a.) **Decisions** – Harry B. Elliott, Jr. reported that since the last Board meeting, four (4) decisions have been issued: Hartford Board of Education (TPP-27,483 & TPP-27,645); Avon vs Council 4 (MPP-27,346); State vs Gaunichaux (SPP-28,039); and Hartford vs Council 4 (MPP-27,593).

Harry noted that he expects the State Judicial (SPP-27,784) and Hamden (MPP-28,465) decisions to be issued shortly. He stated that the Board is presently reviewing the draft in Seymour (TPP-27,854) and that three drafts are currently being written in New Haven vs AFT (TPP-27,744); State vs Council 4 (SPP-28,032 & SPP-27,312); and Christopher Walsh (SPP-27,675).

b.) **Scheduling** – Harry reported that deliberations are currently scheduled for June 20th, July 12th & July 22nd. In the matter of New Haven vs New Haven Firefighters (MPP-28,853), Harry provided the Board with a memo outlining the facts in this case and ultimately recommending that the Motion to Dismiss filed by the City be granted. He is seeking to find out what action, if any, the Board intends to take in this matter. The complaint alleges that the City implemented a “Light Duty Policy” without negotiating with the Union. The City contends in its Motion to Dismiss that the

complaint amounts to a breach of contract claim which is not within the Board's jurisdiction. The Union filed an Objection to the Motion to Dismiss. This case is scheduled for a hearing on July 18, 2011.

- c.) **Review of Records** - Harry reported that a record is ready for the Board to pick up today.
- d.) **Litigation Update** – Harry reported that in Hamden vs Council 4 (Dec. 4343), the Appellate Court ruled against the Union and as a last step, the Union can file a petition for certification in Supreme Court by 5:00 p.m. today. In the Board of Trustees appeal, a pre-trial is scheduled for June 9th in Appellate Court. In City of Bridgeport, the pre-trial has been rescheduled for July 13th at the request of the Union due to a Council 15 convention scheduled for June 15th.

Harry reported that the Renee Jackson Freedom of Information appeal was withdrawn today. The hearing on this matter was scheduled for June 24th.

- e.) **Subpoena Application Form** – Harry reported that he has designed a Subpoena Application Form to determine the relevance of subpoenas which the Board is requested to issue. He noted that subpoenas should be issued within reason and testimony sought should be relevant to the matter before the Board. He also feels that it would be beneficial to have something in our files to identify the reason for the issuance. The Board was given an opportunity to review the application form and make comments. After a lengthy discussion regarding the issuance of subpoenas, it was decided to place the matter on the Agenda for next month's Board Meeting.

Pat Low commended Harry on the quality of drafts he has written and how delighted she is to see such a marked increase in the volume of decisions recently issued.

Kathy Foley stated that the Middletown case should be given priority status. Harry noted that he believes this case is next in line to be written.

III. **AGENT'S REPORT**

- a.) **Statistics** - Kathy Foley reported that 604 cases were filed since

July 1, 2010, an increase of 3 cases over last year's filings. She reported that 604 cases have been closed since July 1st and 319 remain open.

- b.) Audit Findings** – Kathy reported that she received the Review of Boards and Commissions Audit Findings for FYE June 30, 2009 and 2010. She noted that we do not have to respond to the findings at this time and that a final report will be issued later on. Kathy was pleased to report that the Board of Labor Relations was not mentioned as being in violation of its posting requirements. However, there was reference to terms of board members and alternates. Kathy reported that she has emailed the Deputy Commissioner and has requested that he make an attempt to get Ken Leech reappointed as an alternate.

IV. RE-APPOINTMENT OF AGENT

Patricia Low reported that she had the privilege of hiring Kathy Foley many years ago and has watched with fondness as she has grown in the job and ultimately expanded to the position of Agent. She noted that the Board is very fortunate to have Kathy serve as Agent, particularly for the way in which she runs the office, responds to the Board's requests for information and handles the case load before her. Pat stated that she would like to place in nomination the name of Katherine C. Foley to serve as Agent of the State Board of Labor Relations for another 4-year term.

Wendella Ault Battey stated that she reiterates the sentiments expressed by Pat Low and concurs with the re-appointment of Kathy to serve another 4-year term as Agent. Robert A. Dellapina stated that it is his opinion that Kathy Foley has proved herself to be a real professional, a down to earth individual with a terrific sense of humor.

Upon a motion made by Patricia V. Low and seconded by Wendella Ault Battey, it was unanimously

VOTED to re-appoint Katherine C. Foley as Agent of the State Board of Labor Relations for a 4-year term effective June 27, 2011.

Kathy stated that she is only as good as the reduced staff that works for her. She noted that Joanne and Judy have "stepped up to the plate" to take on the additional work load since Linda's retirement. She unfortunately does not anticipate Ken's position being filled anytime soon and noted that she may have to spend some time on the road to help cover cases.

V. EXECUTIVE SESSION

Upon a motion duly made by Patricia V. Low and seconded by Wendella Ault Battey, it was unanimously

VOTED that the Board enter into an Executive Session to discuss personnel matters and that the General Counsel, Harry B. Elliott, Jr. and Agent, Katherine C. Foley, also attend. It was stated that no votes will be taken in Executive Session.

Upon a motion duly made and seconded, it was unanimously

VOTED to reconvene the public session of the Board Meeting at 1:20 p.m. There were no votes 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.