

**STATE OF CONNECTICUT  
LABOR DEPARTMENT**

**CONNECTICUT STATE BOARD OF LABOR RELATIONS**

IN THE MATTER OF  
CITY OF DANBURY

JUNE 3, 2004

-and-

CSEA, LOCAL 760, SEIU

Case No. MPP-23,710

**A P P E A R A N C E S:**

Attorney Saranne P. Murray  
For the City

Stephen R. Ferrucci, III  
For the Union

**ORDER DENYING REQUEST TO REOPEN HEARING**

On November 21, 2003, CSEA, Local 760, SEIU (the Union) filed a complaint with the Connecticut State Board of Labor Relations (the Labor Board) alleging that the City of Danbury (the City) had violated the Municipal Employees Relations Act by unilaterally changing the process for approval of reclassification of positions in the bargaining unit.

After the requisite preliminary administrative steps had been taken, the matter came before the Labor Board for a hearing on March 4, 2004. Both parties appeared, were represented and allowed to present evidence, examine and cross-examine witnesses and make argument. Briefs were scheduled to be filed on April 30, 2004 and extended to May 10, 2004.

On May 17, 2004, the Union filed a request to reopen the hearing to submit new evidence. Specifically, the Union seeks to admit a contract proposal submitted by the City concerning the issue in this matter. The Union argues that the information was not available to it at the hearing on March 4, 2004 because the City did not submit this contract proposal in arbitration until April 19, 2004. The Union also argues that the information is crucial to the issue before the Labor Board because it claims that the City's

bargaining proposal concerning the process for approval of reclassification of positions constitutes an admission by the City that the subject is mandatory.

The City objects to the Union's request, arguing that the Union was aware of this proposal since at least June, 2003 and should not therefore, be excused from attempting to introduce it as evidence in the hearing before the Labor Board. The City also argues that the information is irrelevant to the issue before the Labor Board because the City's submission of such a proposal does not constitute an admission that the subject is mandatory.

The issue before the Labor Board in this case is whether the City made a unilateral change in a mandatory subject of bargaining when it included the Civil Service Commission in the process of approvals for a position reclassification. The contract proposal offered by the City in arbitration would not constitute an admission by the City concerning the mandatory nature of the subject being considered by the Labor Board. The information offered by the Union is not relevant to the matter before the Board and therefore, the request is denied.

Due to the timing of this ruling, the due date for briefs in this matter will be extended to June 15, 2004. Briefs are due in the office of the Labor Board on that date.

### **ORDER**

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by the Municipal Employees Relations Act, it is hereby **ORDERED** that:

1. The request to reopen the hearing in Case No. MPP-23,710 is denied.
2. Post-hearing briefs are due and must be received by the Labor Board no later than June 15, 2004.

### CONNECTICUT STATE BOARD OF LABOR RELATIONS

John W. Moore, Jr.  
John W. Moore, Jr.  
Chairman

Patricia V. Low  
Patricia V. Low  
Board Member

Wendella A. Battey  
Wendella A. Battey  
Board Member

**CERTIFICATION**

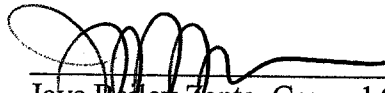
I hereby certify that a copy of the foregoing was faxed and mailed postage prepaid this 3<sup>rd</sup> day of June, 2004 to the following:

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Jaye Bailey Zanta, General Counsel

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