

**State of Connecticut
State Board of Mediation and Arbitration**

In the Matter of	:	Case Nos. 2022-S-0002, 2021-S-0014
	:	
	:	
State of Connecticut,	:	Date of Award: November 15, 2022
Corrections	:	
	:	Hearing Dates: May 19, 2022, July 14, 2022
-and-	:	September 14, 2022, November 2, 2022
	:	
AFSCME, Co. 4, NP-4	:	Location of Hearings: 38 Wolcott Hill Road
	:	Wethersfield, CT

STIPULATED AWARD

PANEL MEMBERS:

Dennis C. Murphy, Esq., Chair and Public Member
Donald Sevas, Labor Member
Kenneth Baldyga, Management Member

Jason Wells, representing the Union
Thomas C. Austin, Jr., representing the Employer

Procedural History and Issue

In the matter of State Board of Mediation and Arbitration Case Number 2022-S-0002, a dispute between the State of Connecticut, Corrections (State) and AFSCME Co. 4, NP-4 (Union), the Union grieved for pay for a number of employees claimed to be working in a higher classification.

In the first hearing held May 19, 2022, the parties requested a continuance due to an advocates' illness. The second hearing was held on July 14, 2022 where upon request of the parties the Panel granted an additional motion to continue the matter.

On September 2, 2022, the State notified the Board that it was claiming that the matter was not arbitrable. A hearing on the matter of arbitrability was held on September 14, 2022 wherein both parties presented witnesses and exhibits and an opportunity to cross-examine same.


An Award was issued on October 3, 2022 by this Panel finding the matter arbitrable.


On November 2, 2022 a hearing was held on the merits during which the parties resolved the matter and requested the Panel issue a Stipulated Award pursuant to Board Regulation Sec. 31-91-46.

The parties' resolution of 2022-S-0002 and 2021-S-0014 are attached hereto and incorporated herein, as part of this Stipulated Award. Both matters are fully and finally resolved.

Case No. 2022-S-0002

By the Panel


Dennis C. Murphy, Esq.
Chair and Public Member


Donald Sevas
Labor Member

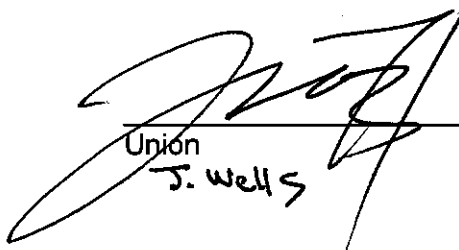

Kenneth Baldyga
Management Member

STIPULATED AGREEMENT
in the matter of
STATE OF CONNECTICUT
(Department of Correction)
and

COUNCIL 4 of the AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES

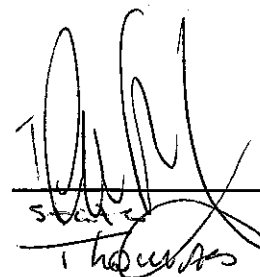
The State of Connecticut (hereinafter referred to as the "State"), Department of Correction (hereinafter referred to as "DOC" or "Agency"), and Council 4 of the American Federation of State County and Municipal Employees (hereinafter referred to as "Union") hereby agree as follows:

1. In resolution of the below referenced grievances and after the full execution of the instant agreement, the parties agree that the DOC shall compensate the individual Grievants [identified in the Attachment], for time worked as Correctional Counselors between April 13, 2018 and July 31, 2020 in the one-time payment amount of \$1,500.00 each, with all the standard/customary deductions withheld. The parties agree there will be no further payments made regarding this matter nor for the time period in question.
2. This Agreement is being made as a good faith resolution and is without precedent or prejudice to the parties' positions on the issue of the appropriate remedy in similar cases in the future. It shall not be admissible in any proceeding, except to enforce its terms.
3. This Agreement shall not incorporate any retroactive payments to any individual Grievants [identified in the Attachment] who have retired and/or transferred out of the Department of Correction.
4. In signing this Agreement the Union relieves the State of Connecticut and the Department of Correction and its Agents from any possible liability or cause of action known or unknown which may arise from this Agreement or the facts or transactions involving the matters included in the below identified grievances.
5. This Agreement shall not be considered as an admission of any statutory or contractual violation by the State of Connecticut, the Department of Correction, or their officials or employees.
6. This settlement is without prejudice or precedent for any other situations between the parties.
7. OLR Grievance Nos. 08-14390, 08-14469, 08-14523, 08-14524, 08-14397 and any related grievances, including but not limited to Union codes 19-20539, 19-20540, 19-20541, 20-A561, 20-20709, 20-20710, 20-20711, 20-20713, 20-20714, and/or any prohibited practice complaints, involving Correctional Counselor Trainees are considered resolved and withdrawn.
8. If a court of competent jurisdiction holds any provision of this Agreement unlawful, the remainder of the Agreement shall continue in force.


Union _____ Date 11.02.2022
J. Wells

Agency _____ Date _____

State _____ Date _____
(DPS)


State _____ Date 11-2-2022
Thomas C. Austin Jr

ATTACHMENT

Last Name	First Name	Employee Number
Andre	Michel	448994
Arbello	Tamarah	169777
Basely-Motley	D'Andra	177636
Baskerville	Charlene	593683
Boyd-Carter	Monica	160898
Bradley	Christopher	614666
Campbell	Michael	103339
Cichon	Jilena	174907
Cooper	Mykia	171371
Crespo	Gabriel	031813
Cristaldi	Michael	119686
Davis	Patrick	145338
Duley	Mark	156782
Dutton	Christopher	053042
Gaboury	Melissa	174209
Gargano	Vincent	148376
Green	Kenneth	377234
Haye	Sadat	055459
Irish	Brendan	177515
Ives	Joseph	177378
Jacaruso	Nicholas	184640
Jones	Marshall	168041
Joyce	Patrick	183434
King	Corey	464201
Leighty	Deanna	161047
Liberato	Harriet	647585
McCarthy	Michaela	174308
McDermott	Lindsey	421550
McGee	Tamika	040007
McKelvin	Troy	866865
Nothe	Christopher	174177
O'Leary	Jennifer	172515
Ouillette-Aviles	Ashlie	034414
Perez	Theresa	060543
Rivera	Alexandra	018592
Rogers	Veronica	034154
Sardinas	Ray	967673
Saunders	Jaclyn	183399
Shelton	Chevelle	978176
Smith	Cinque	051156
Strachan	Kevin	605968
Street	Mallory	174318
Vann	Jovonn	061634

Soleres Jones 171106
 Jasmine Reese 177594
 Patricia Torres 174184
 Tracey O'Bannon 184555

added 11/20/20
 Situation
 [Handwritten signature]