

STATE BOARD OF MEDIATION AND ARBITRATION
38 WOLCOTT HILL ROAD, WETHERSFIELD, CT 06109

MINUTES OF BOARD MEETING

Monday, March 22, 2021

An arbitrators Board meeting of the Connecticut State Board of Mediation and Arbitration was held on Monday, March 22, 2021. Due to the COVID 19 pandemic, this meeting was held via Zoom.

Present: Gerald T. Weiner, Esq., Chairman
Dennis C. Murphy, Esq., Deputy Chairman
David A. Ryan, Management Member
Michael C. Culhane, Management Member
Betty Kuehnel, Labor Member

Guest: Patricia A. Fitton, Director/Mediator

The Monday, March 22, 2021 meeting was opened by Gerald T. Weiner, Chairman, at 8:30 a.m.

- 1) Minutes of Previous Meetings: The Board reviewed the minutes of the regular Board meeting held on January 19, 2021. Michael Culhane made a motion to accept the minutes, Betty Kuehnel seconded the motion. The motion passed unanimously.
- 2) Old Business:
 - A. Electronic Signatures: The Board continues to promote the use of electronic signatures on grievance arbitration awards to facilitate the timely distribution of awards as well as the eventual posting of awards on the web site. The use of /s/ type signatures is also being explored.

- B. Review of Outstanding Grievance Arbitration Hearings: Case managers' initial hearing notices presently all indicate Zoom hearings; if a party objects to a remote hearing, then the case is held in abeyance pending an in-person hearing. There is a significant and growing back log of such cases. Parties are increasing their use of remote grievance arbitration hearings as they become more familiar with the remote platforms.
- C. Required forms/information post grievance arbitration hearings: Arbitrators were reminded that the staff cannot process payments for the arbitrators' work unless the requisite forms and information are submitted to the office. Anyone who is having trouble submitting the necessary information will be assisted by the staff.
- D. Motions to Vacate: The Board became aware that the state Supreme Court upheld the arbitration award in the Nichole Jefferson termination case. The award restored Ms. Jefferson to employment with the City and also provided for a period of back pay and benefits. New Haven sought to have the award overturned on the basis that Jefferson's reinstatement violated public policy and therefore would lead to a lack of public trust in government.

3) New Business:

- A. Zoom Hearings: The back log for in-person hearings continues to grow at a substantial rate. Priority cases are not heard in a timely fashion as some parties resist remote hearings. In response to this concern, Betty Kuehnel made the following motion: Effective May 1, 2021 all grievance arbitration cases will be assigned for Zoom hearings. Michael Culhane seconded the motion and it passed unanimously.
- B. Return to In Person Hearings: Presently there is no indication when the Annex might reopen to the public. If the state's infection rates decline while the vaccination rates continue to improve, DAS may consider again allowing the SBMA to schedule two or three in person hearings each week, as long as the mitigation practices that were enacted in the fall of 2020 continue to be enforced. This would achieve reduction of the case backlog and would accommodate those parties who remain adamantly opposed to presenting cases on a remote platform.

C. The recent passing of Raymond D. Shea, Permanent Labor Member of the SBMA for decades, was noted with deep regret. Mr. Shea was a passionate advocate for working people and the labor movement for over forty years; he will be sorely missed. Plans are underway to have a plaque made in his honor that will be similar in size and appearance to the memorial plaque already in place for former Director Catherine J. Serino. Mr. Shea's plaque will be hung next to Director Serino's--- a placement that would please them both given their many decades of friendship.

4) Director's Report

A. New England Consortium of State Labor Relations Agencies held a virtual training conference on March 19th. Over one hundred participants logged into the training. Director Fitton presented a session on evolving mediation practices, particularly remote mediations. She noted that the future most likely will involve a hybrid of both remote and in person mediations.

B. Staff Update: Part time mediator Joseph Dubin's term of service was extended through June 30, 2021. Mr. Dubin is interested in continuing his employment at least through December 31, 2021. The extension for that time frame will be requested in April. One of the secretaries will be out for the foreseeable future due to family health matters coupled with a death in the family. Permission has been granted to fill the Secretary II vacancy that occurred last October. Unfortunately, many of the preferred candidates are no longer available. It is hoped that the vacancy can be filled without having to repost the position.

5) Motion to Adjourn: The motion to adjourn was made by Dennis Murphy, David Ryan seconded the motion and the motion passed unanimously. Meeting adjourned at 9:33 a.m.

Patricia Fitton, Director