

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

MINUTES OF BOARD MEETING

Monday, May 17, 2021

An arbitrators Board meeting of the Connecticut State Board of Mediation and Arbitration was held on Monday, May 17, 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
Peter Carozza, Labor Member

Excused Absence: Betty Kuehnel, Labor Member

Guest: Patricia A. Fitton, Director/Mediator

The Monday, May 17, 2021 meeting was opened by Gerald T. Weiner, Chairman, at 8:29 a.m.

- 1) Minutes of Previous Meetings: The Board reviewed the minutes of the regular Board meeting held on March 22, 2021. Dennis Murphy, Esq. made a motion to accept the minutes, David Ryan seconded the motion. The motion passed unanimously.
- 2) Old Business:
 - A. Review of Arbitration Hearings: while there is a substantial backlog of grievance cases waiting to be scheduled, the staff has made tremendous progress scheduling previously postponed cases for Zoom hearings.

Parties that are reluctant to utilize the remote hearings are being encouraged to try the process and are assured that if they object to a Zoom hearing, they may raise the issue with the Panel Chair at the beginning of the initial hearing. Year to date cases receive this fiscal year (7/1/20 thru 5/14/21) are approximately 125 cases above last year's count as of mid-May. The Board particularly commended the staff for their continued efforts to fully schedule case despite being very short staffed. The Board is very appreciative of the staff's continued dedication to the SBMA's mission in these most difficult circumstances.

B. Electronic Signatures: Case managers continue to encourage the use of electronic signatures on awards. An increasing number of arbitrators are becoming comfortable with the electronic signatures and this enhances the staff's ability to forward awards and have them posted on the website. Thanks go out to all the arbitrators who are using the electronic signatures.

C. Motions to Vacate: The Board received a Memorandum of Decision to Vacate Arbitration Award from the Superior Court in Case No. 2020-A-0014. This case involves the City of New London and AFSCME Co. 4, Local 1378. At issue was the denial of bumping rights to a member who was laid off and not allowed to bump into certain positions. The Employer filed the Motion to Vacate because while the Union withdrew its argument that the no layoff language of the contract prohibited the member's layoff the Arbitration Panel relied on the no layoff language in rendering its decision. The court directed the SBMA to conduct a rehearing of the case. Asst. Atty General Richard T. Sponzo was consulted and recommended against the State's involvement in the case and advised that SBMA to proceed with assigning a new panel to rehear the case. The case will be reassigned shortly.

3) New Business:

A. Welcome to Peter Carozza: The Board extended a warm welcome to Peter Carozza, newly appointed Board member and Permanent Labor Arbitrator. Mr. Carozza brings decades of experience with the UPFFA to his position with the SBMA, and we all look forward to his dedicated advancement of Labor's positions in arbitration cases.

- B. To Zoom or Not to Zoom: Now that all cases are being scheduled for Zoom hearings, the Board discussed whether any standards are emerging for granting a party's objection to proceeding on Zoom. The consensus among the Board members was that it is still too early in the process for objections to be raised. It will be several weeks before the mandatory Zoom hearings begin to be heard. Board members agreed that each objection to remote hearings would be considered on the merits as presented by the objecting party. Whether to grant an objection to the remote hearing and to defer the case for an in-person hearing will be case specific.
- C. Reopening the Annex for In-Person Hearings: In light of Gov. Lamont's recent announcement regarding reopening state offices and the resumption of "customer facing" services, the Board discussed whether the grievance hearings fell into that category. The consensus was that the SBMA is more like the court system and less like the DMV. All hearings will continue to be remote for the time being. Hearing arrangements for the court system will be monitored.
- D. Executive Sessions: The required paperwork and notices to staff regarding the scheduling/rescheduling of executive sessions was reviewed. Board members expressed interest in keeping the scheduling of executive sessions open until it is determined if the parties are filing reply briefs.

4) Director's Report

- A. Staff Update: The staff continues to struggle to accomplish the requisite workload while the SBMA is operating at 60% staff capacity. Staff are now in the office Tuesday, Wednesday, and Thursday; this reduces the number of times staff has to pack/unpack files and equipment for transport to their homes. Interviews to fill the Secretary 2 position vacated by Rita Sawyer's retirement will be completed shortly. It commonly then takes several weeks to finish the review by the Affirmative Action Officer. Hopefully a new secretary will be hired no later than early July. Two temporary agency clericals have been requested and approved; presently there is no indication when they will

arrive. There is no return to work date anticipated for the staff member who is out on FMLA.

- B. Anticipated Retirements: Presently, there are a significant number of retirements anticipated in 2022. The only staff who have committed to remain post 2022 are the one full time mediator and one secretary 2.

Motion to Adjourn was made by Dennis Murphy, David Ryan seconded the motion and the motion passed unanimously. Meeting adjourned at 9:23 a.m.

Patricia A. Fitton, Director