

**DRAFT – Not Yet Adopted by the Membership**

**MINUTES OF THE  
MANAGEMENT ADVISORY COUNCIL  
April 15, 2009**

**Visit the MAC website at [ct.gov/MAC](http://ct.gov/MAC)**

Peter Bucknall, MAC Chair, called the meeting to order at 9:12 a.m.

**Guest Presentation**

Peter welcomed and introduced Linda Yelmini, Director of the Office of Labor Relations in the Office of Policy and Management.

Linda thanked the membership for the invitation. She indicated that she had received a compilation of questions that managers had submitted in advance and that she would be addressing these questions. One issue dealt with the status of SEBAC negotiations. At the present time, the efforts to reach an agreement with all bargaining units are ongoing and have met with some success. However, unresolved issues remain on the table, and it is presently impossible to predict whether and when there will be an agreement and all of the details that might be included. There is a negotiation meeting scheduled for today, but it is not expected that the matter will come to a vote at today's meeting.

There was a media report that the Retirement Incentive Plan (RIP) would provide "up to three years" of service credit, but Linda clarified that the Administration's offer is three years. She also clarified that the Administration does not intend to move forward with a RIP in the absence of a SEBAC agreement. Although the Legislature could move to enact a RIP on their own, it is unclear that they would do so.

Linda emphasized that it is not the intention of the Administration to lay off anyone, including managers. The strong desire to avoid layoffs is why the Administration is working so hard to reach an agreement. However, at this time, there can be no guarantees. It is also unclear what would happen in the event of programs being eliminated.

OLR General Notice 2009-4 (attached) details the layoff procedures for classified managerial, confidential and other non-represented employees. This document also defines seniority for layoff purposes. Linda used her own situation as an example. As the Director of OLR, she has held every position in that office. If she were to be noticed for layoff, she would have no bumping options. She would be laid off and placed on the re-employment list for any jobs for which she has held permanent status. She would have SEBAC rights for any job that she was deemed qualified to fill. Any re-employment opportunities would be made available based on seniority of those on the re-employment list. If a person is noticed for layoff, DAS has the authority to place that individual in any vacancy existing at the time of the notice. Given that all vacancies have been cancelled, the latter provision becomes moot. If a person who is being laid off is eligible to retire, they are not required to do so.

Changes to health care benefits are proposed. In general terms, these changes would require an increase in health care premiums (approximately \$350/year increase) and higher co-payments for prescription drugs (from \$3 to \$6 for generics, from \$6 to \$10 for brand name formulary drugs, with mandatory generic substitution). New employees and those with less than five years of service would be required to pay 3% of salary into a trust fund for retiree health insurance, effective July 2010.

Most of the provisions of the agreement would be effective immediately upon legislative approval. Effective dates for RIP's would most likely be May 1, June 1, and July 1. There has been no firm deadline set for an agreement to be reached. Linda's understanding is that any two bargaining units can vote down the agreement, regardless of the size of their membership.

The provisions of any agreement would be extended to managers and other non-represented employees via a DAS Item. Connecticut General Statutes, Section 5-200 (p), confers the authority for this extension of benefits by the Commissioner of Administrative Services, with the approval of the Secretary of Policy and Management.

What would happen to managers in the absence of a deal is unknown. There is currently a claim in state and federal court pursuant to the last round of reductions in force. During those reductions, managerial PARS and COLA's were not granted and managers were spared from across-the-board layoffs. Part of the pending claim is that unions were "targeted" while managers were not.

It has been decided that there will be no managerial PARS and COLA's for Fiscal Year 2009-2010. There is not a determination at this time as to Fiscal Year 2010-2011. Managers will receive their longevity payments in April 2009. The status of longevity beyond that time is uncertain. A statutory change would be required to change longevity provisions.

Furlough dates were suggested by OLR. In general, these dates will be chosen to coincide with holidays (creating long weekends), and agencies will be closed. Obviously, this approach has to be modified for facilities with 24-hour operations. Details are being worked out with the affected bargaining units, with the intent to avoid incurring overtime.

Should layoffs become necessary, all non-permanent employees, such as temporary employees and employees in an initial working test period, would be eliminated first. A notice period would have to be given to employees in a working test period. Seniority governs layoff selection under the union contracts. Therefore, the source of funding (i.e, whether state or grant-funded) is irrelevant. However, where jobs are industry-funded, such as Department of Banking, eliminations don't save the state money.

OLR will not give, and never has given, direction on the layoff of specific employees or classes. However, OLR will provide assistance to agencies in planning an approach to layoffs that minimizes displacement and bumping.

In response to other questions, Linda advised as follows:

- There is no authorization at this time for union meetings or union voting on state time. If and when this is authorized, OLR will notify the agency Human Resource Administrators.

- The standard generally is that an employee is entitled to union representation when the employer is contemplating discipline or the employee reasonably believes that the employer is contemplating discipline. Even though a service rating is not discipline, if the employer is issuing an unsatisfactory service rating, this is an adequate basis for an employee to reasonably believe that discipline is contemplated. If an employee desires union representation, OLR generally advises that the manager err on the side of inclusion.
- There is a SEBAC agreement that is valid through 2017. This agreement extends the present level of pension benefits through 2017. It is uncertain whether changes to future benefits could be made during this time period, absent a successor agreement.

The guest presentation concluded at 10:20 a.m. Linda was thanked for her time and her very informative and timely remarks.

The business meeting convened at 10:25 a.m.

### **Approval of Minutes**

The minutes of the March 18, 2009 meeting were approved unanimously, as submitted.

### **Treasurer's Report**

Dave Lynn, Treasurer, reported that the balance in the treasury is \$3,414.97. A dividend of \$8.41 was credited on March 31, 2009. There was no other activity. The Treasurer's report was accepted unanimously.

### **Committee Reports**

Credentials. Ellen Carter, MAC Credential Chair, reported that an election was held at the Connecticut Agricultural Experiment Station, as follows:

- Representative – Michael Last
- Alternate – Jeffrey Ward

### **Old Business**

Speakers and Logistics. Colonel William Shea, Army National Guard, will speak at the May 20 meeting about leadership in stressful times. Suggestions regarding speakers for the Fall meetings are needed and should be sent to Elise Kremer.

Managers Day 2009 Committee. The committee is actively meeting. There was a concern that had been raised about using the Aqua Turf during a time of severe fiscal constraints. Since the

event will be self-supporting from fees managers pay out of pocket, this was felt to be more of a "perception" problem. Significant efforts were made to identify a site at an Executive Branch Minutes of the Management Advisory Council  
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agency or at an educational institution that might be lower in cost. Inquiries were made, pricing obtained, and two site visits made. An alternate facility has not been found, for various reasons: lack of availability on the chosen date, insufficient room capacity or resources for site logistics, parking availability, or cost higher than Aqua Turf. Secretary Genuario was asked for guidance, and he indicated no issue with the use of Aqua Turf, based on the event being self-supporting with no use of state funds. A program has been selected for the afternoon time slot. Barbara Kleefeld was able to make arrangements for the director and staff of the Wilderness School to do an interactive program in the afternoon. The morning program is still being developed.

Web Site. Anne MacLeod, MAC Web Mistress, presented a report on the web site. Meeting Notices and Minutes are current. There are currently 180 managers registered in the State Manager role who thereby have access to the MAC Discussion Center. Work to be done includes: updating the MAC Agency Representatives page; adding Calendar events for the remainder of 2009; developing a new Discussion Center User Guide; publishing photos from Managers Day 2008; and generating the Quarterly Report of Managers Registered on the MAC Website. There are new resources available for the web site. These include: a DSF Portal Software upgrade; a new release of the DSF Portal application which will have a Blog feature; a Streaming Video Service; and V3 Template Options. Anne requested the following: photo captions for Managers Day 2008 (Dave Lynn); a "Save the Date" notice for Managers Day 2009 (Planning Committee); and an updated MAC membership list (Ellen Carter).

Communications Committee. Tom Crafa is seeking a volunteer to assist Anne with maintenance of the web site. Tom requested that posts be made to the Discussion Center regarding the recent meeting with the Office of Policy and Management (see below) and the information presented today on the status of SEBAC negotiations.

Orientation Committee. Dave Lynn reported that the next series of the New Managers Orientation Program has been postponed until the Fall, due to difficulties coordinating the schedules of the various speakers.

Legislative Committee. Elise Kremer reported on the status of several bills of general interest to managers.

Other Old Business. In follow-up to the February 18 presentation on the State Employees Retirement System, there is a pending request for a statutory citation for the bullet point about current state law prohibiting retroactive changes to benefits of retirees. Dave Lynn has requested this from Colin Newman. There was no other Old Business.

## **New Business**

Meeting with Administration Officials. Together with William Evans from the Department of Environmental Protection, the Executive Committee met with Secretary Genuario and Deputy Secretary Cicchetti on March 31. The Secretary indicated that the ongoing negotiations were

very fluid and changing rapidly at the time of the meeting. He also expressed an interest in holding quarterly meetings, and invited us to set up a schedule with his Executive Secretary.

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The Secretary indicated it was the intent of the Administration that any reduction measures not have a disproportionate impact on managers. He also indicated that there would be few new initiatives, due to funding and staff constraints. The Secretary acknowledged the compression issue. Although he could offer no solutions at this time, he indicated his intent to try not to make it worse. Discussion of the meeting ensued. Members expressed concern that the agreement being negotiated would affect managers more adversely, in that most managers had already taken a day without pay that would not count toward the upcoming furloughs and some bargaining units would be guaranteed increases during the biennium.

Other New Business. Ellen Carter volunteered to e-mail the OLR General Notice to Elise Kremer, so that it can be attached to the minutes.

### **Adjournment of Business Meeting**

The business meeting was adjourned at 11:10 a.m.

The list of those in attendance at the April 15, 2009 meeting is attached and is hereby made a part of these minutes. Also attached and made a part of these minutes is a copy of OLR General Notice 2009-4.

The next meeting is scheduled for Wednesday, May 20, 2009 in Conference Room B at the Department of Transportation. Colonel William Shea, Connecticut Army National Guard, will be the guest speaker at 9:00 a.m., with the business meeting to follow at 10 a.m.

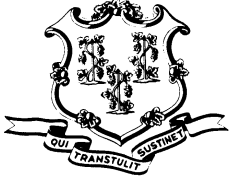
Respectfully submitted,

Elise Kremer  
MAC Secretary  
MAC Representative for the  
Department of Public Health

**MAC ATTENDANCE ROSTER**  
**April 15, 2009**

<u>Agency</u>	<u>Name</u>	<u>Rep/Alt/Guest</u>
Administrative Services	Dave Lynn, Treasurer	R
Administrative Services	Joann Bellamo	G
Administrative Services	Kathy Bruni	G
Administrative Services	Shari Grzyb	G
Administrative Services	Pamela Libby	G
Administrative Services	Eileen Morin	G
Administrative Services	Sue Turko	G
Banking	Percy Cave	R
Children and Families	Barbara Kleefeld	A
Children and Families	Lori-Ann Sawicki	G
Children and Families	Debi Thompson	G
Comptroller	Sandra Hurrie	A
Comptroller	Brenda Halpin	R
Comptroller	Donna Braga	G
Comptroller	Sue Maheux	G
Comptroller	Nancy McMahon	G
Comptroller	Doris Vieira	G
Consumer Protection	Elisa Nahas	A
Correction	Lynn Milling	G
Correction	Debbie Sass	G
Correction	Loyda Borton	G
Correction	Palmira Shelton	G
Correction	Marla Shiller	G
Correction	Melissa Stubbs	G
Developmental Services	Jadwiga Goclowski	R
Developmental Services	Tim Lavoy	A
Economic and Community Development	Sheila Hummel	R
Environmental Protection	Angella Levy	A
Fire Academy	Adam Piskura	G
Human Rights and Opportunities	Epifanio Carrasquillo	R
Human Rights and Opportunities	Toni Alphonse	G
Information Technology	Anne MacLeod	R
Information Technology	Brenda Abele	G
Insurance	Allen Elstein	R
Mental Health and Addiction Services	Bobbi Buckner	R
Mental Health and Addiction Services	Angela Levix	G
Mental Health and Addiction Services	Robert Neuman	G
Mental Health and Addiction Services	Colette Orszulak	G
Mental Health and Addiction Services	Tom Zaprzalka	G
Motor Vehicles	Joe Lembo	R
Motor Vehicles	Nancy McCorkle	A
Pardons and Parole	Rasa Pakalnis	R
Policy and Management	Ellen Carter	R
Public Health	Elise Kremer, Secretary	R
Public Health	Mary Fuller	G
Public Health	Jim O'Connell	G

Public Works	Robert Cody	R
Revenue Services	Tom Crafa	R
Social Services	Peter Bucknall, Chair	R
Teachers' Retirement Board	Leanne Appleton	G
Transportation	Wanda Seldon	R
Transportation	Ben Alejandro	G
Transportation	David Alfredson	G
Transportation	Ricardo Almeida	G
Transportation	Susan Baillargeon	G
Transportation	Lee Burdick	G
Transportation	Robert Card	G
Transportation	Deb Carta	G
Transportation	Lewis Cannon	G
Transportation	Cordula	G
Transportation	Ken Fagnoli	G
Transportation	Maribel Florez	G
Transportation	Daniel Foley	G
Transportation	Cindy Holden	G
Transportation	Karen Jarvis	G
Transportation	Kathleen Karwick	G
Transportation	Kevin Lawton	G
Transportation	Richard Reagan	G
Transportation	Doreen Rossi	G
Transportation	Joe Spagna	G
University of Connecticut	Lori Chapman	G
University of Connecticut	Jay Hickey	G
Veterans' Affairs	Babatunde Green	G



# STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Office of Labor Relations

March 16, 2009

General Notice 2009-4

**TO: Labor Relations Designees**

**SUBJECT: Updated Layoff Procedures for Classified Managerial,  
Confidential and Other Nonrepresented Employees**

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Attached is the revised layoff procedure for classified managerial, confidential and other nonrepresented employees, together with an outline of seniority for the purpose of layoff. These documents have not been revised for quite some time. You are reminded that these documents only deal with classified employees. The revised material on represented employees will be sent out shortly.

Please note that the DAS form should be utilized to report layoff activity.

Agency Labor Relations Designees with questions about the layoff procedures or seniority definitions may contact the Office of Labor Relations at 418-6447

**Linda J. Yelmini**

Linda J. Yelmini

Director of Labor Relations



**CLASSIFIED MANAGERIAL, CONFIDENTIAL and  
NONREPRESENTED EMPLOYEES**

**LAYOFF PROCEDURE FOR AGENCY HUMAN RESOURCES**

Notice Period – At least		Transmission of Notice and content thereof
Up to 5 years	2 weeks	Reason for layoff -- lack of work, economy, insufficient appropriation, change in departmental organization, abolition of position or other cause
5-10 years	4 weeks	
10-15 years	6 weeks	
15+ years	8 weeks	
		Certified mail with return receipt or in person with employee signing to acknowledge receipt
		Concurrent copy to the Commissioner of Administrative Services

1. Prepare seniority list(s) for job class(es) involved and review for accuracy.
2. Prior to deciding to layoff an employee, the Agency must provide the employee with oral or written notice of the possible layoff, the reasons for it and a specific time and place for a meeting with the appointing authority or designee where the employee will be given an opportunity to present any information he/she deems pertinent.

If written notice of the meeting is given, it must be mailed, return receipt requested or hand delivered to the employee at work. If the notice is mailed, the time of the meeting shall be no sooner than five (5) working days following the mailing of the notice. If the notice is hand delivered to the employee at work or given orally, the time of the meeting may be any time following receipt of the notice, including a time immediately following receipt of the notice. Regulation CGS §5-241(a)

The purpose of the meeting is to determine if there are alternatives to layoff or whether the wrong employee has been selected for layoff.

3. Within a week of a decision to layoff an employee (subsequent to the above referenced meeting), the appointing authority shall provide written notice stating the reasons for the decision. It is suggested such notice also be sent return receipt requested, or, if hand delivered at work, that the employee sign a copy of the notice indicating receipt. A copy of such notice should immediately be forwarded to the Commissioner of Administrative Services. The notice periods listed above apply to this notice.

4. Select for layoff the employee in the Agency in the impacted job classification who has the least amount of state service (not classified service) performing comparable duties. Individuals with the same job class code are presumed to be performing comparable duties. This presumption may be rebuttable. If you would like to discuss the matter, please call the Office of Labor Relations prior to final selection. In the event the layoff is due to closing a facility, the individual at the closing facility, if not the least senior, will then be transferred to vacancy created.
5. Fax or e-mail information to Pamela Libby (622-2965; [pamela.libby@ct.gov](mailto:pamela.libby@ct.gov)) Keith Anderson (622-2967; [keith.anderson@ct.gov](mailto:keith.anderson@ct.gov)) in DAS in appropriate format. DAS is to review vacancies and determine if the individual qualifies for any vacancies under the standards outlined under CGS §5-241.
6. If an employee is to be separated, be certain that the necessary form (CT-HR-1) to activate his/her reemployment and/or SEBAC rights is completed prior to separation and that the employee has had an opportunity to supply the necessary information so as to be considered for positions through reemployment and/or the SEBAC Placement and Training Program.
7. Unclassified employees are not covered by this procedure. Unclassified employees would only have rights under CGS §5-236 (b) if they were formerly classified state employees with permanent status.

### **Bumping Options for Employees**

1. None.

## LAYOFF SENIORITY – ISSUED MARCH 2009

### CLASSIFIED MANAGERIAL, CONFIDENTIAL and NONREPRESENTED EMPLOYEES

**Definition of Seniority for Layoff:** Length of total state service and war service.

**INCLUDE:**

All Paid leaves	Workers compensation	War service
Military leave, paid or unpaid	Unpaid authorized leaves of absence of 3 days or less	“Furlough” days in 91-92
Voluntary leave days		

**PART-TIME EMPLOYEES:**

1. Prorated (hour for hour), up to a maximum of full-time credit.

**TIEBREAKER:** No provision

**EXEMPTIONS:** No provision.