

STATE BOARD OF MEDIATION AND ARBITRATION

38 WOLCOTT HILL ROAD, WEHTERSFIELD, CT 06109

MINUTES OF ARBITRATORS MEETING

Monday, November 15, 2021

An arbitrators meeting of the Connecticut State Board of Mediation and Arbitration was held on Monday, November 15, 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
 Michael C. Culhane, Management Member
 Betty Kuehnel, Labor Member
 Peter Carozza, Labor Member

Excused Absence: David A. Ryan, Management Member

Guest: Patricia A. Fitton, Director/Mediator

The Monday, November 15, 2020 meeting of the Board of Mediation and Arbitration was opened by Gerald T. Weiner, Chairman, at 8:30 a.m.

- 1) Minutes of Previous Meeting: A motion was made by Dennis Murphy to accept the minutes of the September 20, 2021 Board meeting and the minutes of the October 6, 2021 Special Board meeting. The motion was seconded by Betty Kuehnel and passed unanimously.

2) Old Business:

- A. Consideration of New Alternate Neutral Arbitrator: The Board reviewed the resume, writing sample and reference responses concerning the application of Janis Jerman, Esq. to become an Alternate Neutral Arbitrator. Michael Culhane made the motion to recommend Atty. Jerman to Labor Commissioner Bartolomeo to advance Atty. Jerman's name to the Governor for appointment to the Board. Betty Kuehnel seconded the motion, and the Board passed the motion unanimously.
- B. Review of Arbitration Hearings: The number of pending arbitrations, the number of hearings that occurred, the number of cases postponed, and the number of cases held in abeyance were examined by the Board. The comparison of last year's number of cases with this year's showed that the number of cases had only declined slightly.
- C. Scarcity of In Person Neutral Arbitrators: Due to several factors, there are very few arbitrators available for in person hearings. Parties who want in person hearings are now encountering significant delays in scheduling their hearings. There are two individuals who submitted their resumes for consideration as alternate neutral arbitrators. It is hoped that these applicants will be considered as expeditiously as possible.
- D. Awards, E Signatures, Process for Dissents: The need for a uniform procedure for electronic signatures and/or actual signatures on awards was addressed. One impediment to establishing a uniform procedure is the varying degrees of computer expertise among the arbitrators. Staff will consider different processes and will suggest a process that would work for all the arbitrators. Notice was given to preserving the ability to dissent. Arbitrators will also be urged to contact the office if they are going to be late with an award. This will enable the staff to contact the parties and advise them of when the award will be available.
- E. Review of Request for Temporary Injunction & Declaratory Relief and Motion to Disqualify and/or Stay: The Motion to Vacate regarding Case No. 2021-A-0191 was filed by the City of Waterbury. Ultimately the City withdrew this motion. The City of Shelton filed a Motion to Disqualify and/or Stay in Case. No. 2021-A-0071. The City was seeking to disqualify the Union's attorney from presenting this grievance because the City might

want to call the attorney as a witness. The SBMA does not accept motions. The Panel was informed.

New Business

- A. Review of Applications: The Board recently received two applications from people interested in serving with Board, one as an Alternate Neutral Arbitrator and the other as an Alternate Management Arbitrator. Both resumes were examined, and the Board will consider the applications.

Director's Report

- A. Staff Update: The support staff have worked significant amounts of overtime to catch up on grievance hearings and to advance the binding interest arbitration cases. The extra work time has reduced the backlogs, though one case manager still has many unscheduled cases. The other case managers will begin to take some of those cases to help move them forward. The part time mediator's position has been extended through January 31, 2022.
- B. Anticipated Retirements: As of this meeting, the only definite retirement is that of Director/Mediator Pat Fitton, effective April 1, 2022. Pat's last day of work will be Thursday, March 31, 2022.
- C. Holiday Festivities: Staff have agreed to host an informal "Holiday Coffee and Desserts" on Thursday, December 16th from 1:00 p.m. to 3:00 p.m. Everyone misses the traditional restaurant luncheon and the in office holiday luncheon, but due to the concerns about COVID-19 a simplified celebration seemed more appropriate.

Motion to Adjourn was made by Michael Culhane and seconded by Dennis Murphy, Esq., the motion passed unanimously. Meeting adjourned at 9:27 a.m.

Patricia A. Fitton, Director