

ADVISORY COUNCIL MEETING

OCTOBER 9, 2024 (via web ex)

ATTENDANCE: Kate Shea, Chair, Maria O'Brien, Alfred Gray, Michelle Heffernan, Denise Casey, Jillian Bertrand, Rebecca Yee, Will Evans, Sheryl Pace Webb.

Ex-Officio- Philip Roberts, Director Department of Labor Relations.

Other Attendees: Lan Kantany, Department of Labor Relations Chief Counsel, Kimberly Eustace, DLR Administrative Assistant.

Absent: Nicholas Anastasopoulos and John Mann

Chair Kate Shea opened the meeting at 10:10 a.m. and proposed approval of the minutes from last meeting. DLR Director Phil Roberts suggested that approval and posting of the minutes would be problematic at this time since they discuss employment decisions at the DLR that have not been finalized.

There was discussion of the format for future meetings, hybrid versus all in person, with the understanding that in-person meetings would have a hybrid option.

Chair Shea asked Director Roberts for an update on the process of filling the CERB Chair and DLR Director positions where the appointments are in the Governor's Office?

Director Roberts: They are both in "still pending" mode with the Governor's office. In the meanwhile, Chief Counsel Kantany has been assisting the remaining CERB Members regarding decisions and rulings. She noted that there is only one hearing officer decision on appeal before the board and we need a chair for the decision.

Director Roberts displayed the DLR organization chart to show the pending and expected vacancies. They are:

- Chair, CERB - backfill
- Director DLR - backfill
- JLMC Vice Chair – new position
- Chief Hearing Officer - backfill
- Counsel II (part-time) – new position
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- CERB Member – backfill (Kelly Strong appointment expires November 30, 2024)
- Administrative staff (part-time) – will not be backfilled

Director Roberts said that there is one FTE, Hearing Officer Counsell II which will be split in two (2) part-time, post-retiree positions bring back Marjorie Wittner and Susan Atwater. Marjorie Wittner is willing to come back part time to do CAS cases. Susan Atwater is willing to do Hearing Officer work, hearings, representation cases, editing and mentor and train new hires. The Administrative part time position will remain empty since Kimberly Eustace and Luisa Drummond have a good hold on admin work. CERB Member Kelly Strong's appointment expires November 30, 2024 and in the past we have posted such positions on MassCareers just as we would any other vacancy. If the incumbent wants to be reappointed they will apply for the position and the Advisory Council will consider the incumbent along with any other applicants.

Chair Shea asked how the CERB member vacancies are handled. Director Roberts said the DLR submits a requisition to EOLWD Human Resources including the position, grade and salary level. At this time, the Governor's office is requiring all requests to fill a position to be accompanied by a waiver request and that has to be approved by Administration and Finance. Finance makes sure we have enough money in our budget. Chair Shea asked if this can expedited so we can talk about this at our next meeting and Director Roberts said that he would check on that and indicate it will be useful for our January 2025 meeting.

Chair Shea asked for volunteers to serve on the screening committee. The following Advisory Council members volunteered:

Jillian Bertrand union side
Denise Casey management side
Maria O'Brien neutral

The Advisory Council approved these appointments.

Chair Shea asked for an update on the DLR budget.

Director Roberts displayed a chart of the DLR annual Budget which totals \$3,522,982. The DLR is requesting an increase in the 2026 Budget to address the backlog of cases. The request would cover the hiring of two more hearing officers and one more mediator for 2026. That's approximately an additional \$250,000 to \$300,000 more a year for our 2026 Budget. Ballot Question #3 regarding collective bargaining rights for Uber and Lyft drivers will have huge impact on our case load for 2026. If this question passes, DLR will have a huge election to run or we may explore outsourcing this election. The DLR will get a significant increase in unfair labor practice charges and mediations.

Chair Shea said the delay in the DLR determinations needs to be addressed and suggested that an increase in the DLR budget be supported by the Advisory Council.

Director Roberts displayed a chart of DLR case processing and statistics. "R" cases are up since COVID, "PS" & "JLMC" case are down and "ULP" cases remain the majority of the DLR's caseload.

There was discussion about how many hearings are now being scheduled far in the future and how this can be addressed. One suggestion was to slot cases in for hearing when another hearing settles. Another was to consider software tracking of productivity and ways to measure time to decision. Director Roberts indicated that this should be possible with the new case management

software. There was further discussion about the time targets for hearing officer decisions and how best to meet them, or possibly change them. Chair Shea suggested that if Susan Atwater has returned before our next meeting, it would be productive to have a discussion with her on time frames.

12:00 noon Chair Shea moved to adjourn the meeting, Shery Pace Webb and Jillian Bertrand seconded and all voted in favor of adjourning.