

ADVISORY COUNCIL MEETING MINUTES

November 15, 2023 AT 1:30 PM VIA WEB EX

ATTENDANCE: Jay Siegel, Chair, Sheryl Pace-Webb, Maria O'Brien, Alfred Gray, Michelle Heffernan, Denise Casey, Will Evans, Nicholas Anastasopoulos and Kate Shea.

Ex-Officio- Philip Roberts, Director, Marjorie Wittner, CERB Chair.

Other Attendees: Lan Kantany, DLR Chief Counsel, Kelly Strong, CERB Member, Victoria Caldwell, CERB Member, Michael Doheny, EOLWD Chief Counsel, Meghan Ventrella, DLR Hearing Officer and Kimberly Eustace, DLR Administrative Assistant, Rebecca Yee.

Absent: John Mann

1:38 pm Chair Siegel calls the meeting to order.

Chair Siegel entertained a motion to approve the minutes from March 28, 2023 meeting. Nicholas Anastasopoulos moved and Denise Casey seconded the Motion. All approve, no objections.

Director Roberts discussed personnel changes at the DLR. Hearing Officer Nicholas Balatsos left last May. Hearing Officer Carey Shockey left as well. Mediator John Marra has left to develop his own arbitration practice. JLMC Committee Member Daniel Morgardo has left his Senior Staff Position to retire. We have onboarded Mediator Kristen Barnes to fill John Marra's position. We have hired another attorney to fill Nicholas Balatsos' position, she will be starting December 2023. And, we will be posting Carey Shockey's position soon.

The new JLMC Vice Chair position is open, the JLMC got FY 2023 funding for this position. The JLMC will be holding a Special Meeting on this tomorrow, November 16, 2023. This position has been dormant for 20 years. JLMC Chair John Hanson would like this position filled as soon as possible as there have been times when Chair Hanson has been unable to hear some cases. The Advisory Council is not, however, involved in the Special Meeting of the JLMC.

Director Roberts provided an update on the audit of the DLR by the State Auditor's Office. The auditors are analyzing the information in the DLR database to determine compliance with the performance metrics that were implemented pursuant to the 2019 audit. It is expected that the audit will be completed by January 2024.

Director Roberts provided an update on our new database, a product called Litify. Our current database, Time Matters is 15 years old, there is information that is difficult to retrieve, with lots of our detailed reports being done manually. The new database should simplify tracking of cases. Pilot testing will be March/April 2024 and the system will go live in May 2024.

Michelle Heffernan asked what product are you buying? Director Roberts said Litify is a legal case tracking product based on a Salesforce platform. Abola is the contractor that is designing the system in collaboration with EOTSS. Among other things, the new system will have an outward-facing portal,

where parties can file cases and documents, see the documents, see who is assigned to the case, etc. all via the portal.

Chair Siegel moved on to the subject of DLR appointments. Director Roberts noted that both his appointment and that of CERB Chair Marjorie Wittner have lapsed and both are serving in a holdover capacity. At this time Director Roberts and CERB Chair Wittner recused themselves from the meeting. DLR Chief Counsel Lan Kantany remained to answer any legal questions regarding the appointments.

Chair Siegel – Under the procedure we have two (2) positions open, DLR Director and Chair of the CERB. We are required to publicly post these positions. The Advisory Council will have a Sub-committee to consider the applicants then they will make the recommendations to the Governor.

Kate Shea raised a concern regarding the formation of a sub-committee for review of applicants. She said this is not required. She expressed concern regarding the current state of the Advisory council, specifically that Union seats were vacant. She said the Advisory Council needs full representation of Unions and there can be potential bias. She said she was not sure a sub-committee was needed given the reduced number on the council. Chair Siegel said we always have a problem with getting a sub-committee but we only need one Union, one Management and one at large. Kate Shea said it is not correct that the sub-committee does the interviewing. Chair Siegel asked if Shea has a problem with a sub-committee. Shea suggested that we might have a sub-committee and see how many people are interested. This initial screening of applicants was always a small group.

EOLWD GC Michael Doheny noted to Chair Siegel there was a guest at the meeting who is not part of the council. We are in open session. Kate Shea suggested that we have no sub-committee but post the position and then decide on a sub-committee. GC Doheny suggested that pre-screening can be done in executive session. Chair Siegel proposed that we leave this until we get the applicants. Nicholas Anastasopoulos objected. He said that it takes forever to get a date for a meeting. These vacancies are not going to get filled soon without a sub-committee. If there is an imbalance concern lets come up with a sub-committee today. Will Evans noted that the requirement of a sub-committee cannot substitute for a quorum and asked what constituted a quorum. Chief Counsel Kantany said that seven people constitutes a quorum of the Advisory Council.

CERB Member Kelly Strong asked if CERB members will be we asked our opinion on the new Chair? Or our input? Chair Siegel said that CERB Members are not part of the Advisory Council. Member Strong asked why the Advisory Council would not ask the CERB members our opinion on how it is to work with Marjorie? Chair Siegel said that these decisions are only made by the Advisory Council. After further discussion, Chief Counsel Kantany noted that the Advisory can take CERB members opinion into consideration. Chair Siegel observed that the statute does not state that the CERB has a role in this process. Member Strong asked that during the evaluation of candidates, the Advisory Council ask the opinion of fellow CERB members.

Alfred Gray echoed the concerns raised by Anastasopoulos and suggested that we make a decision today. Maria O'Brien agreed and suggested that we go ahead and pick a sub-committee today to start the review of applicants process.

Chair Siegel proposed a vote of all those in favor for sub-committee. In favor are: Maria O'Brien, Alfred Gray, Denise Casey, Kate Shea, Will Evans, Sheryl Pace Webb. Opposed: Nick Anastasopoulos. After

discussion, a subcommittee to review applications was formed composed of Kate Shea, Sheryl Pace-Webb, Alfred Gray, Denise Casey and as Chair, Maria O'Brien.

At 2:47 p.m., Chair Siegel made a motion to adjourn that was seconded and approved.