

DEPARTMENT OF LABOR RELATIONS ADVISORY COUNCIL

MEETING MINUTES

Meeting Date: January 17, 2019

Time: 10:00 a.m.

Location: Department of Labor Relations, 19 Staniford Street, 1st Floor, Boston, MA 02114

Advisory Council Members Present: Nicholas Anastasopoulos, Katherine Shea, John Marra, Jodi Ross, Denise Casey, William Hayward, Jay Siegel, Bryan McMahon, Sheryl Pace-Webb, Philip T. Roberts (ex-officio). Department of Labor Relations Staff Members Present: Marjorie Wittner, Edward Srednicki, Jane Gabriel, Katie Lev, Timothy Hatfield, Susan Atwater and Kimberly Eustace.

Advisory Council Members Absent: David Lucchino, John Mann.

1. **CALL TO ORDER** – Meeting was called to order at 10:05 a.m.
2. **REPORT ON STAFFING & BUDGET** - Director Philip T. Roberts addressed the Advisory Council on the DLR FTE's for FY18. DLR has a total of 13 FTE's dedicated to Hearing Officers/Mediators/Arbitrators. The DLR is currently down to 11 FTE's for HO/Med./Arb. positions. We are hoping by end of FY19 to backfill 1 FTE and are requesting to fill 2 part-time mediator positions. We are in need of mediators. Regarding the FY2020 budget, no numbers yet from House 1, the DLR will ask for additional money for more FTE's. Also, the Chair position of the Commonwealth Employment Relations Board appointment has expired. According to the statute at Chapter 23, Section 9R(f), the correct process for filling the Chair position would be for the Advisory Council to "review all applications" and recommend one or more candidates. Review of applications implies that the position is posted. The Advisory Council requests a SUB-COMMITTEE from the members, Denise Casey, Jay Siegel and Katherine Shea volunteer. All Advisory Council Members voted in favor the Motion.
3. **UPDATE REGARDING AUDIT OF DLR** - The DLR is going through a very thorough procedural audit, a draft report is expected soon, the final report will become public once complete. A couple of things the auditors pointed out were: the Green Book needs revision as the time frames for processing cases don't always match up to procedure. Time targets investigation to probable cause, to hearing stage (this appears to be mostly due scheduling conflict and postponements at the request of the parties).

4. **JUDICIAL APPEALS UPDATE** – Jane Gabriel represents the board on the appeals before the Appeals Court. She is pleased to announce that 47 back log cases are gone. 77 cases are completed since she took over the Chief Counsel position at DLR, leaving a total of 11 cases on the back log list. 14 court decisions have issued. Presently she has 5 cases pending, 2 of which are at the Supreme Judicial Court.
5. **CASE TRENDS** – Susan Atwater addressed the Council, noting that thankfully, we have NOT received many *Janus*-related cases; we only have 1 pending, *Rehoboth and AFSCME* at the present time. CAS cases are now being offered mediation services, with lots of success and cases are not going to the hearing stage. Parties are more and more interested in mediating cases, we are consolidating cases for mediation conducting mediation for multiple cases involving the same communities as a group. More OGM grievance mediation cases are being filed again, however, we are in need of more mediators.
6. **DLR INITIATIVES** – DLR training would be appropriate and useful 3 to 4 times a year, perhaps via a webinar format. Public Sector has seen big turnovers in Town Managers/Human Resources perhaps training would be valuable concerning bargaining and labor relations, management rights, unilateral changes.
7. **SCHEDULING ADVISORY COUNCIL MEETINGS** – We are to meeting quarterly by law. Next dates of Advisory Council Meetings are as follows: TUESDAY, March 5, 2019 at 10:00 A.M., THURSDAY, JUNE 6, 2019, THURSDAY, SEPTEMBER 5, 2019 AND THURSDAY, DECEMBER 5, 2019. The screening sub-committee will meet prior to the March 5 Advisory Council meeting.