

DEPARTMENT OF LABOR RELATIONS ADVISORY COUNCIL

MEETING MINUTES

MEETING DATE: April 2, 2020

TIME: 10:00 A.M.

LOCATION: VIA TELEPHONE CONFERENCE CALL DUE TO COVID-19 RESTRICTIONS

Advisory Council Members Present: Nicholas Anastasopoulos, Denise Casey, Bryan McMahon, Sheryl Pace-Webb, Jay Siegel, Katherine Shea, Jodi Ross.

Advisory Council Members Absent: Michelle Heffernan, John Mann

Ex Officio Members Present: Philip T. Roberts, DLR Director, Marjorie Wittner, CERB Chair

Other participants: Susan Atwater, Hearing Officer Supervisor, Jillian Bertrand Hearing Officer.

Department of Labor Relations Staff Present: Kimberly Eustace

CALL TO ORDER – Meeting was called to order at 10:00 a.m.

**Nick Anastasopoulos**- welcomes the advisory council members and hopes that all is staying safe and well.

**Philip Roberts** – Asked for a vote to approve the minutes from last Advisory Council Meeting from January 28, 2019. Jay Siegel moves and Bryan McMahon seconds the motion. Minutes are unanimously approved.

**Director Philip Roberts** gives update on Dept of Labor Relations personnel.

DLR has hired a new Counsel 1 employee Holly Accica who started Monday, March 30, 2020, and comes from the Registry of Motor Vehicles. As of now Holly will be assisting Dept of Unemployment Assistance in their call center with their overflow of claims, and soon she will be doing investigations for the DLR. Also, DLR hired another Counsel 1 for our Springfield Office, Lan Kantany, who will be onboarded soon and she too will be helping out Dept of Unemployment Assistance, and soon be conducting investigations for the DLR.

Also, Director Roberts announced that Jillian Bertrand has been selected to be our new Chief Counsel at the DLR and will be taking over sometime next week. Additionally, a candidate has been selected for our per diem CERB position, however this is still not in final approval status. Once this become public the DLR will announce the candidate.

**Director Philip Roberts** moves on to discuss the in-person investigation alternative procedures.

He states that some sort of remote investigations will need to move forward for the month of April. We will pilot with in-person investigations then move on to Hearings.

**Jay Siegel** states that in paragraph #5 the work “bring” is misleading this needs to be re-worded as the parties will not be in-person.

**Kate Shea** I would urge the DLR to revise in the following ways, it is unnecessary to require a written submission prior to an in-person investigation. I think a conference call first to narrow down the issues and then a subsequent written submission and/or affidavits if needed would be more efficient. Submitting written submissions with affidavits is a huge amount of work that may not be necessary.

**Nick Anastasopolous** suggests instead of “position statements” maybe just use “summary” and it will be a summary of what your are going to be expected to address. Be careful of using “position statements”

**Kate Shea** understands that the nature of the allegations needs to be clear and that the current regulations already require specificity. Suggests wording that “No investigation will be scheduled unless specific . . . .”

**Jay Siegel** said that as an arbitrator he sometimes receives a large number of documents either before the hearing or at its start. He suggested that we require the parties to submit a 2 page written summary before any teleconference by the investigator to give him or her an "overview" as to the nature of the case. I have found this particularly helpful in mediation before I meet with the parties.

**Susan Atwater** I think it is necessary to clarify that we are NOT talking about the old written submission procedures. Paragraph 6 *encourages* written submissions. Maybe we need to call it something different than a “position statement” such as “a short overview of the charge.” You would be surprised how many Respondents submit documents just before the investigation, we need to focus on what needs to be addressed.

**Kate Shea** talks about paragraph 6, which reads counsel needs to submit all allegations/defenses. If this not needed, we need to say something more like “we need a summary.”

**Susan Atwater** said the idea is we need more information for smooth investigation. Think of it this way: it doesn’t help if new allegations are brought up at investigation, we need to know what we are dealing with.

**Sheryl Pace Webb** You should reach out to the Director of the DUA it has been very successful at online investigations.

**Philip Roberts** what are they submitting?

**Sheryl Pace Webb** All documents are marked before we get to the investigation, information is uploaded before the investigation into their dockets.

**Philip Roberts** Very important to have documents submitted in advance we cannot have documents handed in the day of.

**Kate Shea** I totally support submitting documents in advance.

**Jay Siegel** Whoever is conducting the investigation must be aware and have some idea of what they are dealing with and if something needs to be submitted the day of it should be waived.

**Philip Roberts** Ok we can work on the wording.

**Marjorie Wittner** The on-line charge suggests a providing a summary of charge. Do we need to add language?

**Susan Atwater**, We do send out deficient letter for charges requiring more information.

**Philip Roberts** We are still working on Web Ex video conferencing we still have few glitches to figure out how do you feel about that?

**Denise Clancy** Sounds good

**Jodi Ross** Ok

**Bryan McMahon** on board

**Sheryl Pace Webb** sounds great

**Susan Atwater** do you anticipate any problems with witness using video or phone?

**Kate Shea** Well this is possible however; I think most people have equipment to call in or video in.

**Philip Roberts** WebEx will allow us to send out invitations with a link and then the representatives can forward to their clients and witnesses. Would you rather that the DLR send it out?

**Nick Anastasopolous** Maybe each party will forward to their own client's witnesses, not sure what to do about ADA accommodations.

**Philip Roberts** with our experience you will have an option of just video or audio.

After discussion of the date for the next meeting it was decided to have it sooner than three months from now so we can review how remote investigations/hearings are going. Agreed that the next meeting will be: **MONDAY, MAY 4, 2020, AT 3:00 P.M.**

**Jay Siegel** any progress on new Advisory Council Members?

**Philip Roberts** there was some discussion at the Governor's Office but nothing firm.

Vote to adjourn meeting moved by Kate Shea and seconded by Nick Anastasopolous. Meeting adjourned.