



State Employees Bargaining Agent Coalition

- > Administrative & Residual Union Local 4200/AFT
- > AFT Connecticut
- > American Association of University Professors – Connecticut State University
- > American Association of University Professors – UCONN
- > American Federation of State, County, & Municipal Employees - Council 4
- > Congress of Connecticut Community Colleges/ SEIU Local 1973
- > Connecticut Association of Prosecutors
- > Connecticut Employees Union Independent/ SEIU Local 511
- > Connecticut Federations of School Administrators Local 61
- > Connecticut Police and Fire Union/IAFF-IUPA
- > Connecticut State Police Union
- > CSEA SEIU Local 2001
- > International Brotherhood of Police Officers/SEIU Local 731
- > New England Healthcare Employees Union, District 1199/SEIU
- > UCONN Health Center Faculty-AAUP
- > Judicial Professional Employees Union
- > UAW, Region 9A

December 14, 2020

Honorable Richard A. Robinson
 Chief Justice of the Supreme Court

Honorable Patrick L. Carroll III
 Chief Court Administrator
 Connecticut Supreme Court
 231 Capitol Avenue
 Hartford, CT 06106

Dear Justice Robinson and Judge Carroll:

As you know, Judicial Union Leadership wrote to you on November 24 to express significant concerns with the balance the Branch was choosing between safety and the provision of services, and to request a meeting so you could hear directly from the representatives of your employees. We did not hear back from you, but we understood from your representatives that you were denying that request. Today, we learned that despite the ever-worsening pandemic, its increasing risk to judicial employees and the public they serve, and what all public health experts tell us is a high likelihood of further significant deterioration, the Branch is continuing the same level of worksite activity that it chose to perform in late November. We write again to ask that you immediately reconsider this decision, because it not only puts employees and the public at risk, and because if current infection rates increase as predicted, it may soon reduce the level of services provided to the public. We can of course, explain this more clearly and directly in a meeting.

Just a few points to highlight our concerns. First, in April, when the Branch went to a maximum closure model, the numbers we have show that approximately 38 employees or contractors tested positive for COVID-19. In November, that number was approximately 114, which of course was before the Thanksgiving surge. The first eight days of December already show more cases than in all of April, and public health experts suggest things will only get worse - and there is simply no way to know how many members of the public may also have been infected through their visits to Judicial facilities.

Second, the very complexity and diversity of the Branch and its facilities counsels erring on the side of caution. It is inevitable that policies that depend upon the semi-autonomous implementation decisions of numerous personnel, the accuracy of emergency reprogrammed computers, and the ability to adapt to dramatically different physical locations and programs, will have failures and imperfections. Every one of those imperfections poses a risk to human life and health. A computer glitch recently caused a docket of 265 cases on one day in Waterbury. We are told it won't happen again. But how many infections were passed there that day among staff and the public? What will the next glitch be? And how many additional infections might there be as a result?

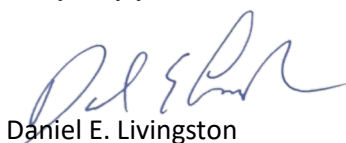
We have old and cramped courthouses, where employees are asked to handle too much with too little leeway. We have some offices that are large and open and relatively safe to occupy. But too many others are cramped and unsafe at this current level of infection. And we have employees, like Judicial Marshals in the courthouses, and those employees across all units in the Juvenile Detention Centers, and who by the very nature of their jobs are captive audiences for whatever the transmission vector the virus may find. And we have all the other failings and imperfections that are inevitable when people, regardless of their good faith, are asked to build an airline in midflight while also, and impossibly, assuring the safety of all its passengers.

We have many other concerns. We are convinced that some of the Branch's contact tracing practices encourage supervisors to interfere with good faith reports of contacts, modify results, discourage accurate reporting, and intimidate employees from providing accurate information. We are not convinced that is the Branch's intent. But we are sure that is the impact. We are convinced that certain Branch treatment of individual employees not only falls short of best practices during this pandemic but raises significant issues of state and federal law. But we cannot effectively convey all of our concerns in this letter.

Instead, we ask two things. First, we again ask you to meet with union leaders to allow a full and complete dialog around all of these concerns. Branch administrative personnel have met with us and heard us. But all of us know that given the way the Branch works, the decisions that need to be made about the critical balance are not made by administrative personnel but by the Judiciary. We are confident that the decision-makers would benefit by hearing directly from the representatives of frontline workers whose work lives actually span the edge of the balance between providing critical services and keeping themselves and the public safe during this surge. Second, we ask you to immediately implement a maximum telework/hybrid, minimum on-site, work policy. It could, at least initially, be only for two to three weeks while we hopefully interrupt transmission and certainly provide an opportunity for constructive dialog and adjustment of practices and policies. During this period, those services which must be done on-site should be limited not only to those that are essential, but to those sites which can afford the maximum safety such as courthouses and offices, with appropriate size and physical layout as well as COVID-19 compliant filters and ventilation.

We understand how hard this is. You and your employees have a constitutional mission to carry out, and an ever-changing environment which few anticipated and in which even fewer have training and experience. That is just another reason to meet and hear directly from others with the same goal, but a fundamentally different set of on-the-job perspectives and experience. From the beginning of this pandemic, we have stressed that we will all be more effective in our shared goals if we not only recognize our differing but essential roles, but also communicate openly, effectively and directly with each other. We again implore you, in these extraordinary times, to hear the voices of the thousands who serve the Branch and the public, and to take the actions necessary to keep everyone safe and well-served. Too much is at stake to do otherwise.

Very truly yours,



Daniel E. Livingston
Chief Negotiator for SEBAC