Minutes of the September 29, 2021 Board Meeting of The NYS Industrial Board of Appeals

CALL TO ORDER

The regularly scheduled meeting of the Industrial Board of Appeals was held on September 29, 2021 by video conference. The Board's Chairperson, Molly Doherty, called the meeting to order at 10:08 a.m.

ATTENDANCE

Molly Doherty, Chairperson Michael A. Arcuri, Member Patricia Kakalec, Member Najah Farley, Member Sandra Abeles, Member Benjamin A. Shaw, Counsel Matthew D. Robinson-Loffler, Associate Counsel Jane M. Ipanaque, Administrative Assistant

MINUTES

On motion by Ms. Kakalec, duly seconded by Ms. Farley, and unanimously carried, the minutes of the previous meeting held on July 14, 2021 were approved.

REPORTS

The monthly report reflecting activity for July and August 2021 was reviewed and discussed.

	July		August		Year to Date	
	2021	2020	2021	2020	2021	2020
NEW PROCEEDINGS COMMENCED:	9	4	16	4	127	106
Section 101 - Review Petitions	9	1	13	0	111	86
Section 27-A - Public Employer Safety	0	0	4	2	9	10
Section 104 - Corporate Documents	0	3	0	2	7	10
Stay Applications	0	0	0	0	0	0
HEARINGS HELD:	3	0	6	0	43	16
VIDEO HEARINGS HELD:	3	0	6	0	43	16
HEARINGS SCHEDULED/NOT HELD:	7	2	3	2	48	141
Administratively Closed	3	2	1	2	68	57
BOARD RESOLUTIONS:	5	11	0	6	38	35
CASES CLOSED:	5	11	0	6	38	35
Section 101	4	9	0	6	27	26
Section 27-A	1	1	0	0	5	3
Section 104	0	1	0	0	6	6
Section WB	0	0	0	0	0	1
INTERIM RESOLUTIONS:	0	0	0	0	0	0

Stay Applications	0	0	0	0	0	0
Interim Decisions	0	0	0	0	0	0
IBA Rules	0	0	0	0	0	0
Other	0	0	0	0	0	0

CONSIDERATION OF RESOLUTIONS & DELIBERATION

On motion by Mr. Arcuri, duly seconded by Ms. Kakalec, and unanimously carried, the meeting was moved into quasi-judicial deliberation at 10:13 a.m.

Section 101:

			
Docket No.	<u>Name</u>		
PR 19-079	Nassar E. Nassar T/A S & T Auto Mechanics, LLC		
PR 20-072	Kelly Jean Egan and Peace Day 365, Inc.		
PR 21-056	Julie Atti Rogers AKA Julie A. Atti		
PR 21-081	Lisa M. Tagliabue and Trinity Integrity Group Inc. T/A Trinity Hairdressing and Makeup		
	Academy		
PR 21-084	John Patrick Bell and Patrick Concrete Constructors, Inc.		
PR 21-087	Bernadette Richards and Sophie's Health Care Services, Inc.		

On motion by Mr. Arcuri, duly seconded by Ms. Abeles, and unanimously carried, the Resolutions of Decision under Section 101 were adopted.

Interim Decision:

Docket No. Name

PR 19-067i Mugisha Sahini and Riverside Line, Inc.

PR 19-135i Francisco Garcia aka Francisco Blanch aka Francisco De Asis Garcia Blanch and Gabriela Echeverria

On motion by Ms. Abeles, duly seconded by Ms. Kakalec, and unanimously carried, the Interim Resolutions of Decision under Section 101 were adopted.

Section 27-A:

<u>Docket No. Name</u>

PES 19-014 Benjamin Hulett

PES 21-003 Chemung County, Noticed As "Chemung County Sherrif" and "Chemung County Jail"

On motion by Ms. Abeles, duly seconded by Ms. Farley, and unanimously carried, the Resolutions of Decision under Section 27-A were adopted.

Section 104:

Docket No. Name

CI 21-001 Southampton Town Police Superior Officers Association, Inc.

CI 21-002 James R. Cook Labor Agency, Inc.

On motion by Ms. Kakalec, duly seconded by Ms. Abeles, and unanimously carried, the Resolutions of Approval under Section 104 were adopted.

DISCUSSION

The Board discussed the following topics:

- A. Proposed Board rules
 - On motion by Ms. Abeles, duly seconded by Ms. Farley, and unanimously carried, the proposed Board rules were adopted and Board Counsel was directed to complete SAPA documents to begin regulatory process..

On motion by Mr. Arcuri, duly seconded by Ms. Kakalec, and unanimously carried, the meeting moved out of quasi-judicial deliberation at 11:10 a.m.

- B. Extension of electronic filing
 - On motion by Ms. Abeles, duly seconded by Ms. Farley, and unanimously carried, the Board's temporary suspension of paper filing requirements to allow for electronic filing service is extended from October 1, 2021 until February 11, 2022.
- C. Resolution to Delegate Authority
 - On motion by Ms. Kakalec, duly seconded by Mr. Arcuri, and unanimously carried, the Resolution to Delegate Authority to the Board's Counsel, Benjamin A. Shaw, and Associate Counsel, Matthew D. Robinson-Loffler, as hearing officers.
- D. Staff and office updates
 - Second round interviews for an executive assistant position in the Albany office are being conducted. Once a candidate is chosen, we will proceed through the appointment process to hire.
 - Staff moved from New York City offices to a temporary office at 250 Schermerhorn in Brooklyn, NY. Anticipated move in April 2022 to permanent offices at the Shirley Chisholm building.

UPCOMING BOARD MEETING DATES AND LOCATIONS

Wednesday, December 22, 2021, Board Meeting at 10:00 a.m., via Zoom

Wednesday, February 9, 2022, Board Meeting at 10:00 a.m., via Zoom

Wednesday, March 30, 2022, Board Meeting at 10:00 a.m., via Zoom

Wednesday, May 18, 2022, Board Meeting at 10:00 a.m., via Zoom

Wednesday, July 13, 2022, Board Meeting at 10:00 a.m., via Zoom

Wednesday, September 21, 2022, Board Meeting at 10:00 a.m., via Zoom

Wednesday, November 9, 2022, Board Meeting at 10:00 a.m., via Zoom

Wednesday, December 14, 2022, Board Meeting at 10:00 a.m., via Zoom

ADJOURNMENT

There being no further business, upon motion by Ms. Abeles, duly seconded by Ms. Farley, and unanimously carried, the meeting was adjourned at 11:20 a.m.