

Testimony before the Executive and Legislative Nominations Committee
Testimony of Floyd J. Dugas, Esq.
March 17, 2016

Good afternoon Senator Duff, Representative Janowski, Senator Kane, Representative Buck-Taylor, and members of the Executive and Legislative Nominations Committee. I want to thank you for the opportunity to sit before you today for my re-nomination as a member of the Education Arbitration Board.

I have spent all but 5 years of my life in Connecticut. I went to public school here and did my undergraduate work at the University of Connecticut.

I am an attorney and this is my thirtieth year of practice. I am a partner with the law firm of Berchem, Moses & Devlin, P.C. with offices in Milford and Westport, and chair the public sector labor law practice for the firm. My practice is focused almost exclusively on education law and public sector labor and employment law. As such, I feel not only do I have a strong command of collective bargaining, but also of the Teacher Negotiation Act as well as the intricacies of the operations of a public school system. I have served as an advocate for a number of Boards of Education, and regularly counsel administrations of small, medium, and large school districts across the state.

While when necessary I have been a firm advocate, I also believe that my reputation in the business is one of both integrity and fairness. I also believe that a negotiated settlement is best. That stated, I recognize there are times when the parties simply cannot reach an agreement and arbitration is necessary. I have been involved in some of the more cutting-edge arbitration decisions and negotiated contracts in recent years including the contract that paved the way for education reform in New Haven, the award that allowed for the privatizing of a portion of the custodial services in the New Haven Public Schools, and one of the first arbitration awards providing a defined contribution plan for new hires on behalf of Cheshire.

As a lawyer I have appeared before the State Supreme Court twice. Once involving a termination of a chief of police, the second time involved the interpretation of what entity in the board of education context is the legislative body under MERA, for the purpose of rejecting a binding arbitration award. The State Board of Mediation and Arbitration took the view it was the Board of Education. In my opinion, it was the legislative body of the Town or City. The Supreme Court agreed my view was consistent with the intent of the General Assembly.

In addition to my roles as a labor and education lawyer, I am a frequent lecturer on education and labor and employment topics before bodies such as the Connecticut Association of Boards of Education, the Connecticut Conference of Municipalities and other forums. I am a regular presenter at the CABA annual conferences, most recently on the topic of "Negotiating in Difficult Times". I have been an adjunct professor of law at the University of New Haven, where I taught a course in labor relations in a master's

degree program. I have been a board member, and chair of the personnel committee of the Easter Seals Rehabilitation Center of Greater Waterbury. I have three children who attended public school in Milford Connecticut where I live.

While I primarily represent employers, and more particularly public sector employers, I do also represent a number of private sector employers, and one private sector union.

I thank Governor Malloy for my reappointment and thank you for giving me the opportunity to appear before you today. I would be happy to answer any questions that you may have.