



BACKGROUND (MARCH 2018)

International Association of Fire Fighters, Local 825 v. Uniformed Professional Fire Fighters Association of Connecticut, Inc.

THE EXECUTIVE SUMMARY

The Fairness Center represents New Haven’s International Association of Fire Fighters, Local 825 (“Local 825” or “local union”) in defense of Local 825’s right to disassociate from the statewide firefighters’ union, Uniformed Professional Fire Fighters Association of Connecticut (“UPFFA” or “statewide union”). Two years ago, Local 825 decided to disassociate and informed UPFFA of its decision, but UPFFA officials have been unwilling to honor Local 825’s decision.

Instead, the UPFFA has continued to bill Local 825 monthly “dues” as if it remained an affiliate of UPFFA. Now, after two years of nonpayment, a collections agency is calling Local 825’s leadership and their family members in an effort to collect over \$50,000 in alleged “back dues.”

Local 825 will ask the court to affirm its right to disassociate from UPFFA, to order that UPFFA recognize Local 825’s disassociation, and to enjoin UPFFA from attempting to collect funds from Local 825. Additionally, Local 825—which recently learned that UPFFA was misappropriating its dues before Local 825 disassociated—will request that UPFFA return a portion of dues from prior years.

THE PROBLEM

Local 825 was a founding member of the statewide union and remained a member for a time. Some years ago, however, Local 825 exercised its right to disassociate, ostensibly without opposition, while keeping its ties to the international union, International Association of Fire Fighters (“IAFF”) intact. More recently, around 2006, Local 825 became a UPFFA “legislative member”—a category of partial membership within UPFFA designed to provide local unions with UPFFA’s statewide political services. Local 825 reportedly rejoined UPFFA as a legislative member because, at that time, the New Haven mayor was running for governor, and Local 825 wanted to express its view on his candidacy.

But in late 2015 and early 2016, shortly after Frank Ricci (“Ricci”) was elected President of Local 825, the local union started questioning the value of its affiliation with the statewide union. For one, Local 825 and its firefighters were paying “dues” to be a UPFFA legislative member, and Local 825 believed those legislative membership dues were high for the local union and its firefighters given what they believed to be the low return on their investment. Ricci also discovered that those dues went to support a key UPFFA political position with which Local 825 disagreed.

Ultimately, Local 825 opted—by unanimous executive board decision—to disassociate from UPFFA while maintaining its ties to the international firefighters’ union, IAFF. The local union notified the UPFFA of its decision to disassociate and stopped paying UPFFA dues.

Shortly after Local 825 terminated its UPFFA legislative membership, and previously unbeknownst to Local 825, it was discovered that UPFFA was using Local 825’s dues to engage in labor activity completely unrelated to UPFFA’s legislative services, which were the only services for which New Haven firefighters thought they were paying.

In the months that followed, UPFFA officials pressured Ricci to “reconsider” Local 825’s decision to disassociate from UPFFA. For example, the statewide union’s officials claimed that the local union could not disassociate without going through a complicated procedure not set forth in any relevant documents and refused to provide Ricci with any information that would support the UPFFA’s position. They also continued to send “dues” invoices to Local 825. Nevertheless, Local 825 declined to revisit their decision to disassociate despite the pressure applied by UPFFA.

In late 2017, almost two years after Local 825 had voted to disassociate from UPFFA, UPFFA enlisted a collection agency, which started contacting Local 825, Ricci, other Local 825 leaders, and some related family members. The collection agency represented that it was working for UPFFA to recover over \$50,000 in “back dues” from Local 825 and threatened the possibility of a lawsuit.

Despite Ricci’s and Local 825’s best efforts, UPFFA refuses to recognize the local union’s right to disassociate from the statewide union.

THE LAW

Union affiliations are governed by a simple, default rule: local unions can disassociate at any time. *See Vilella v. McGrath*, 74 A.2d 187, 189–90 (Conn. 1950). That default rule can be altered only if local unions agree in advance to following certain procedures or provision of notice to the statewide or international affiliate. *See Am. Brass Co. v. Ansonia Brass Workers’ Union Local 445*, 101 A.2d 291, 293 (Conn. 1953).

THE CASE LOGISTICS

Plaintiff

International Association of Fire Fighters, Local 825, is the local union for firefighters in New Haven, Connecticut, and an affiliate of the IAFF. Frank Ricci, President of Local 825 since 2016, received national attention in 2009 when the United States Supreme Court ruled 5-4 in his favor and invalidated affirmative action policies within the City of New Haven that discriminated against white and Hispanic firefighters. Ricci was the lead plaintiff in that case, known as *Ricci v. DeStefano*.

Defendant

Uniformed Professional Fire Fighters Association of Connecticut is also affiliated with IAFF and serves as the statewide affiliate for over 50 local firefighters’ unions in Connecticut. Peter Carozza, Jr., the President of UPFFA, also serves as chairman of Connecticut’s Commission on Fire

Prevention and Control, to which he was appointed by Governor William O’Neill and reappointed by Governors John Rowland, Jodi Rell, and Dannel Malloy.

Court

Superior Court of Connecticut

Judge

The Honorable Thomas G. Moukawsher

Relief Sought

Affirmation of Local 825’s right to disassociate from UPFFA and return of misappropriated dues money to Local 825.

Date Filed

March 5, 2018

THE LEGAL TEAM

David R. Osborne is President and General Counsel at the Fairness Center. David helped to launch the Fairness Center in 2014 and provides advice and counsel to clients, directs the Fairness Center’s legal strategy, and oversees all litigation efforts. Prior to joining the Fairness Center, David practiced law in Florida, where he had previously served as clerk to a Florida Supreme Court justice and served as official staff to a member of Congress. David graduated from the Florida State University College of Law.

Nathan J. McGrath is Vice President and Litigation Counsel at the Fairness Center, where he litigates and develops legal strategy to advance its mission. Prior to joining the Fairness Center, Nathan was a staff attorney with the National Right to Work Legal Defense Foundation, Inc., where he practiced constitutional, labor, and administrative law. Nathan was also an associate attorney with Lawlor & Lawlor, P.C., a general practice law firm in Pittsburgh, Pennsylvania.

Local Counsel Craig C. Fishbein of Fishbein Law Firm, LLC. Craig is a graduate of Quinnipiac University and Quinnipiac University School of Law and a member of the Connecticut State bar as well as the federal district court in Connecticut. Craig also represents Connecticut’s 90th General Assembly District in the Connecticut House of Representatives.