

**STATE OF CONNECTICUT
LABOR DEPARTMENT
CONNECTICUT STATE BOARD OF LABOR RELATIONS**

IN THE MATTER OF

Administrative & Residual
Employees Union, Local 4200,
AFT Connecticut; Connecticut
Police & Fire Union, IUPA/IAFF,
AFL-CIO,

—AND—

Erik Gagne; Barry Wallett.

RESPONDENTS' ADDRESSES:

Administrative & Residual Employees Union, Local 4200, AFT Connecticut
805 Brook St., Ste. 4
Rocky Hill, CT 06067

Connecticut Police & Fire Union, IUPA/IAFF, AFL-CIO
50 Columbus Blvd., 3rd Floor
Hartford, CT 06106

RESPONDENTS' PHONES:

A&R, Local 4200: 860.953.1316

Connecticut Police & Fire Union: 860.953.2626

NUMBER OF EMPLOYEES INVOLVED IN ALLEGED PROHIBITED PRACTICE: Unknown number of employees making the discriminatory posts; the prohibited practice potentially affects all of the over 2,000 workers in the Connecticut State Office Complex, as the discriminatory posts are in employee common areas.

UNIT DESCRIPTION OR NATURE OF WORK DONE BY EMPLOYEE(S) INVOLVED: Discrimination is against all non-union bargaining unit employees

working in the affected building, the Connecticut State Office Complex, which includes state employees in the NP-5 Protective Services and P-5 Administrative and Residual bargaining units, among others.

COMPLAINT

PURSUANT TO SECTION 5-274 OF AN ACT CONCERNING COLLECTIVE BARGAINING FOR STATE EMPLOYEES, THE UNDERSIGNED ALLEGES THAT THE ABOVE-NAMED RESPONDENT HAS ENGAGED IN AND IS ENGAGING IN PROHIBITED PRACTICES WITHIN THE MEANING OF SECTION 5-272 OF SAID ACT, IN THAT:

The Respondent Unions, A&R, Local 4200 and the Connecticut Police & Fire Union, have committed a prohibited practice, together with the State of Connecticut, by denying Complainants their rights under the State Employee Relations Act (SERA). The Respondent Unions have discriminated against Complainants on the basis that they are not union members, in violation of SERA §§ 5-271–274.

The respective collective bargaining agreements (CBAs) between each of the Respondent Unions and the State of Connecticut provide that the State will “furnish reasonable bulletin board space . . . which the Union may utilize for its announcements.” The CBAs further provide, “Bulletin board space shall not be used for material that is of a partisan political nature or is inflammatory, or derogatory to the State employer or any of its officers or employees.”

In accordance with the CBAs, both Respondent Unions have and make use of bulletin board space provided by the State of Connecticut in the Complainants’ place of employment, which is the Connecticut State Office Complex, “Grasso” North Tower, located at 450 Columbus Boulevard, Hartford, Connecticut. The bulletin boards are located in the break room/hallway on each floor of the building, common spaces accessible to every employee in the building.

Since at least December 2018, one and/or both of the Respondent Unions have posted, and the State of Connecticut has allowed to remain posted, material on the state-provided bulletin boards that is intended to and does in fact harass and intimidate public employees who are not union members, discriminating against them on the basis of their union membership status. One and/or both of the Respondent Unions have made or allowed a posting that accuses non-union employees of “freeloading,” a derogatory term meant to suggest that non-union employees are somehow taking advantage of others. *See Freeloading, The Free Dictionary*, <https://www.thefreedictionary.com/freeloading>. Identical postings were made to the union bulletin boards on multiple floors of Complainants’ building. Photos of one of

the discriminating posts, taken February 20, 2019, are attached as an exhibit to this Complaint.

Complainants are former union members who have resigned their union memberships and have been vocal about their decision to resign. Complainants feel that the postings are meant to discriminate against them and to intimidate them from speaking freely about their resignation from, and other opinions regarding, the Respondent Unions.

After Complainants had to walk past and view the discriminatory posts in the common break rooms every day for a month with no action by the State to remove them, in January 2019, Complainants reported the posts to their supervisor. The supervisor reported the postings to the state Human Resources department and the posts were removed that same day. Within a month, however, the posts had reappeared on several of the bulletin boards. When Complainants again reported the posts, in February 2019, a State Human Resources Specialist stated that Complainants would need to file a complaint in writing. The Specialist also informed Complainants that the State had not determined that the postings were inappropriate or unlawful, and she would not discuss the initial removal of the posts in January 2019.

The discriminatory postings remain on several state-provided Union bulletin boards as of the date of this Complaint. Complainants believe that this posting is a prohibited practice by both unions, in conspiracy with the State of Connecticut, to discriminate against, and otherwise harass and intimidate, public employees on the basis of their union membership, in violation of SERA § 5-272.

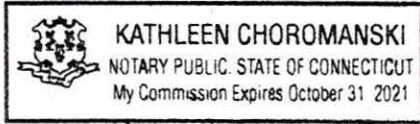
WHEREFORE, the complainants, ERIK GAGNE and BARRY WALLETT respectfully request that, in addition to all remedies allowed by the Connecticut State Employees Relation Act and the Connecticut State Board of Labor Relations Regulations, the following relief also be granted:

1. Order the removal of the violative postings;
2. Make orders fashioned to prevent future violative postings; and,
3. Order that the Respondents post on all similar bulletin boards in the complex, a Board notice, conspicuous in size and form, which clearly states, in a neutral manner, that a public sector employee has the right to not be a member of a public sector union (such notice to be approved by the complainants herein).

SUBSCRIBED AND SWORN TO BEFORE ME THIS

1 DAY OF July 2019

Kathleen Choromanski
NOTARY PUBLIC



Erik Gagne

COMPLAINANT

[Signature]
SIGNATURE

Erik Gagne, Agent
PRINT NAME & TITLE

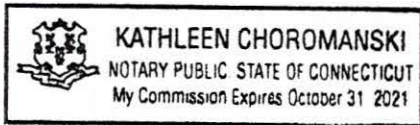
COMPLAINANT'S ADDRESS:
10 Bright Street, Enfield, CT 05082

COMPLAINANT'S PHONE: 860.713.6251

SUBSCRIBED AND SWORN TO BEFORE ME THIS

1 DAY OF July 2019

Kathleen Choromanski
NOTARY PUBLIC



Barry Wallett

COMPLAINANT

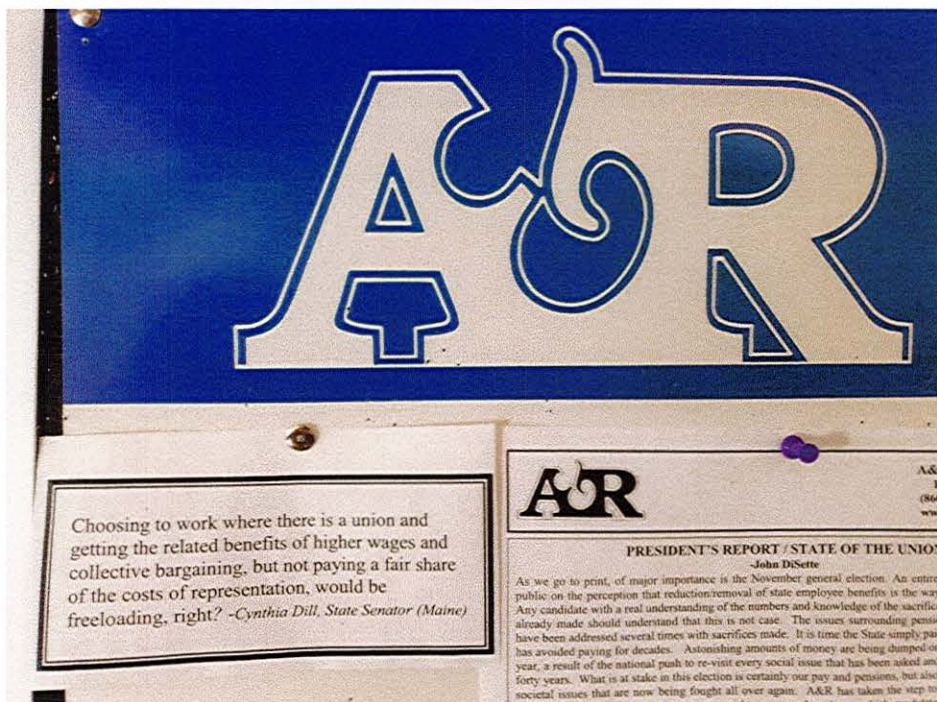
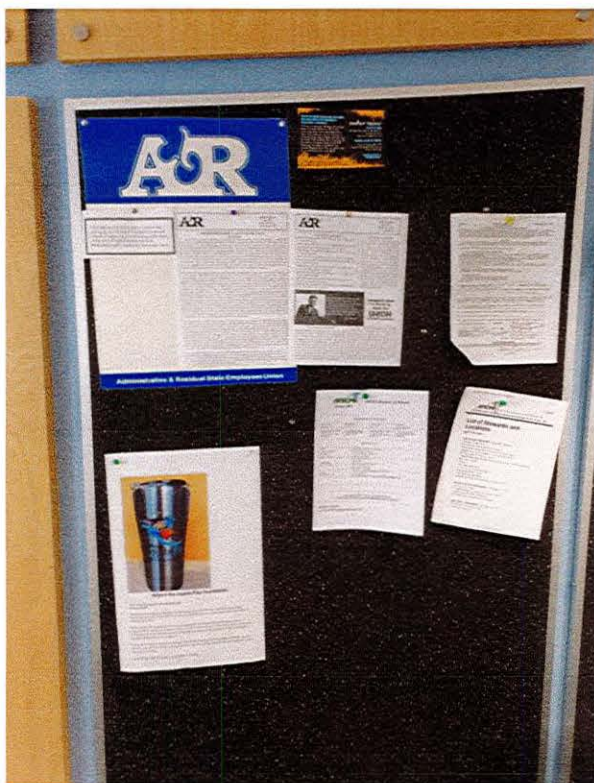
[Signature]
SIGNATURE

Barry Wallett - Agent
PRINT NAME & TITLE

COMPLAINANT'S ADDRESS:
23 Birch Meadow Lane, Willington, CT 06279

COMPLAINANT'S PHONE: 860.713.6243

EXHIBIT



**STATE OF CONNECTICUT
LABOR DEPARTMENT
CONNECTICUT STATE BOARD OF LABOR RELATIONS**

IN THE MATTER OF

Administrative & Residual
Employees Union, Local 4200,
AFT Connecticut; Connecticut
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-AND-

Erik Gagne; Barry Wallett

AFFIDAVIT
RE: SERVICE OF APPEAL

I, Craig C. Fishbein, Esq., an attorney, licensed to practice law in the State of Connecticut, do hereby depose and say:

1. I am over the age of 18, of sound mind, of legal age, and believe in the obligations of an oath. Further, I have personal knowledge of the facts recited herein.
3. In accordance with Regs. Conn. State Agencies § 5-273-23, on July 11, 2019, I forwarded to the respondents: **Administrative & Residual Employees Union, Local 4200, AFT Connecticut** 805 Brook St., Ste. 4, Rocky Hill, CT 06067 and **Connecticut Police & Fire Union, IUPA/IAFF, AFL-CIO**, 50 Columbus Blvd., 3rd Floor, Hartford, CT 06106, via United States Mail, certified, postage prepaid return receipt requested, a copy of the complaint and exhibit in this matter.
4. Attached to this affidavit as Exhibit A are the U.S. Mail, certified mail receipts.

Craig C. Fishbein, Esq.

STATE OF CONNECTICUT)

) ss: WALLINGFORD , July 11, 2019

COUNTY OF NEW HAVEN)

On this 11th day of July, 2019, before me personally appeared Craig C. Fishbein, Esq., known to me to be the same person described in the above affidavit, and who has executed the same acknowledging that to be his free act and deed.

Heidi L. Bagenski

Notary Public

My Commission Expires: 08-31-23



EXHIBIT A

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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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Total Postage and Fees	\$

Sent To: **AIR EU, Local 4200, AFT Connecticut**
 Street and Apt. No., or PO Box No.: **805 Brook St., Suite 4**
 City, State, ZIP+4®: **Rocky Hill CT 06067**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: **CT Police - Fire Union IUPA/IAFF**
 Street and Apt. No., or PO Box No.: **50 Columbus Blvd. 3rd Floor**
 City, State, ZIP+4®: **Hartford, CT 06106**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

