

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

IN THE MATTER OF

CASE NO. TPP-34731

The Hartford Federation of
Teachers, Local No. 1018, AFT,
AFL-CIO; The Hartford Board of
Education,

~~—AND—~~

John Grande.

RESPONDENTS' ADDRESSES:

The Hartford Federation of Teachers, Local No. 1018, AFT, AFL-CIO
85 Buckingham Street
Hartford, CT 06106

The Hartford Board of Education
330 Wethersfield Avenue
Hartford, CT 06114

RESPONDENTS' PHONES:

The Hartford Federation of Teachers, Local No. 1018, AFT, AFL-CIO:
860.249.7629

The Hartford Board of Education: 860.695.8000

COMPLAINT

PURSUANT TO SECTION 10-153e(e) OF THE ACT CONCERNING SCHOOL
BOARD-TEACHER NEGOTIATIONS THE UNDERSIGNED ALLEGES

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Connecticut State Board
of Labor Relations

THAT THE ABOVE-NAMED RESPONDENTS HAVE ENGAGED IN AND ARE ENGAGING IN PROHIBITED PRACTICES WITHIN THE MEANING OF SECTION 10-153e(b) or (c) OF SAID ACT, IN THAT:

1. Respondent the Hartford Federation of Teachers, Local No. 1018, AFT, AFL-CIO (the "Union") committed a practice prohibited by section 10-153e(c)(3) of the Connecticut General Statutes, which prohibits a certified professional employee organization or its agents from "breaching its duty of fair representation pursuant to section 10-153a." Specifically, section 10-153a(b) of the Connecticut General Statutes provides that "the organization designated as the exclusive representative of a teachers' or administrators' unit shall have a duty of fair representation to the members of such unit." Section 10-153e(c) prohibits exclusive representatives from breaching their duty of fair representation and section 10-153e(e) mandates that a teacher alleging such breach "shall file a written complaint with the State Board of Labor Relations." "The duty of fair representation requires the union to serve the interests of all members without hostility or discrimination toward any, to exercise its discretion in complete good faith and honesty, and to avoid arbitrary conduct . . . A union breaches this duty if it acts arbitrarily, discriminatorily or in bad faith." *Labbe v. Hartford Pension Commission*, 682 A.2d 490, 503-04 (Conn. 1996) (citations and internal quotation marks omitted.)

2. The Union breached its duty of fair representation when it refused to arbitrate a grievance on Complainant's behalf due to the fact that he was not a member of the Union. Specifically, the Union's First Vice President Corey Moses told Complainant that arbitration is reserved only for members of the Union. The applicable collective bargaining agreement (the "CBA") attached hereto as "Exhibit A," provides that only the Union may submit a grievance to arbitration. *See* Ex. A at Art. III, Sect. B ("No bargaining unit member may file for arbitration as an individual, but only the Union may file an appeal to arbitration hereunder."). Therefore, the Union has arbitrarily, discriminatorily, and in bad faith refused to treat Complainant and other bargaining unit employees who are not members of the Union equally in violation of the Union's statutorily prescribed duty of fair representation.

3. The Union has also committed a practice prohibited by section 10-153e(c)(1)(A) of the Connecticut General Statutes, which prohibits a certified professional employee organization or its agents from "[i]nterfering, restraining or coercing [] certified professional employees in the exercise of the rights guaranteed in

. . . section[] 10-153a[.]” Specifically, section 10-153a(a) guarantees that “[m]embers of the teaching profession shall have and shall be protected in the exercise of the right to . . . refuse to form, join or assist, any organization for professional or economic improvement[.]”

4. The Union has committed a prohibited practice because it denies the availability of arbitration to nonmember bargaining unit employees. Thus, the Union violates the rights of Complainant and other bargaining unit employees who are not members of the Union who refuse to form, join, or assist the Union as guaranteed by the Teacher Negotiation Act and impermissibly seeks to coerce these nonmembers into association with the Union.

5. Respondent Hartford Board of Education (the “Board”) has committed a practice prohibited by section 10-153e(b)(1) of the Connecticut General Statutes, which prohibits a board of education from “[i]nterfering, restraining or coercing certified professional employees in the exercise of the rights guaranteed in section[] 10-153a[.]” Specifically, section 10-153a(a) guarantees that “[m]embers of the teaching profession shall have and shall be protected in the exercise of the right to . . . refuse to form, join or assist, any organization for professional or economic improvement[.]”

6. The Board has committed a prohibited practice because it agreed to and/or conspired with the Union to permit discrimination of certified employees based on union nonmember status. Specifically, the CBA does not allow individual bargaining unit members to submit a grievance to arbitration and the Board acquiesces in the Union’s exclusion of nonmember bargaining unit employees from arbitration. Therefore, the Board’s actions and/or inaction in sanctioning, approving, or otherwise allowing the Union’s discriminatory conduct to take place violates Complainant’s and other nonmember bargaining unit employees’ rights to refuse to form, join, or assist organizations like the Union.

7. Should it be determined that the Board has not committed a prohibited practice, the Board should remain a respondent to this complaint to the extent that the Board is a necessary party to effectuate relief in the form of grievance arbitration *nunc pro tunc*.

WHEREFORE, Complainant respectfully requests that, in addition to all remedies allowed by the Connecticut Teacher Negotiation Act and the Connecticut State Board of Labor Relations Regulations, the following relief also be granted:

1. Declare that the Union has violated its duty of fair representation by refusing to submit grievances of union nonmembers to arbitration;
2. Declare that the Union committed a prohibited practice by discriminating against union nonmembers;
3. Declare that the Board has committed a prohibited practice by permitting the Union to discriminate against union nonmembers;
4. Order an award of compensatory damages paid to Complainant by the Union;
5. Publish notices detailing Respondents' violations and advising Respondents and other interested parties that such practices are prohibited by law;
6. Order Respondents to continue the grievance process on behalf of Complainant and proceed to arbitration *nunc pro tunc*; and,
7. Award costs and fees, including reasonable attorneys' fees.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 7th DAY
OF July

Joann Pappaceno
NOTARY PUBLIC

JOANN E. PAPPACENO
NOTARY PUBLIC
MY COMMISSION EXPIRES 6/30/2024

John Grande
COMPLAINANT

John Grande
SIGNATURE

John Grande, Notary
PRINT NAME & TITLE

COMPLAINANT'S ADDRESS:
[REDACTED]

COMPLAINANT'S PHONE:
[REDACTED]