

STATE OF CONNECTICUT
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

IN THE MATTER OF

CITY OF NEW HAVEN

-AND-

APRIL 10, 2015

ELM CITY LOCAL C.A.C.P.

-AND-

NEW HAVEN FIREFIGHTERS LOCAL 825

Case Nos. MPP-30,881 & MPP-30,919

A P P E A R A N C E S:

Saranne P. Murray
Christopher E. Engler
for the City

Marshall T. Segar
for the Police Union

Patricia A. Cofrancesco
for the Fire Union

David N. Rosen
for Michael Briscoe

RULING ON MOTION TO INTERVENE AND MOTION TO DEFER

On April 9, 2014, Elm City Local C.A.C.P. (the Police Union) filed a complaint (MPP-30,881) with the Connecticut State Board of Labor Relations (the Labor Board) alleging that the City of New Haven (the City) violated the Municipal Employee Relations Act (MERA or the Act) by assigning firefighter Michael Briscoe to oversee the City's civilian dispatcher center. On May 6, 2014, New Haven Firefighters Local 824 (the Fire Union) filed a complaint (MPP-30,919), amended on June 27, 2014, with the Labor Board alleging that the City violated the Act by directly negotiating the dispatch

center assignment with Briscoe. Both cases were consolidated by notice dated June 12, 2014.

On June 23, 2014, Briscoe filed a motion to intervene claiming an interest on the basis of the remedy sought by the Fire Union in Case No. MPP-30,919. On September 3, 2014, the City filed a motion to defer hearing in both cases pending resolution of a quo warranto civil action commenced by the Fire Union in superior court concerning the dispatch center assignment. All parties were given an opportunity to submit briefs in response to Briscoe's petition and the City's motion.

DISCUSSION

The Fire Union seeks an order requiring the City to cease and desist from effecting Briscoe's transfer until the matter has been negotiated with the Union. Given the record before us we find that the requested intervention is consistent with the policies of the Act and so we grant Briscoe's petition. *See, e.g., City of Bristol*, Decision No. 3876 (2002).

The Fire Union's quo warranto action alleges that Briscoe's assignment violated Article III, Sec. 2A(5) of the City's charter and Briscoe has removed the matter to federal district court alleging that the quo warranto action is retaliation for exercise of rights protected under 42 U.S.C. § 1981 and 42 U.S.C. § 2000e et seq. Given our statutory jurisdiction over alleged violations of the Act, including improper direct dealing, we find that there does not exist a probability that the action pending in district court will resolve the matters pending before the Labor Board and so we deny the City's motion for deferral. *See, e.g., Town of Wilton*, Case No. MPP-23,463 (2003) (Procedural Order).

ORDER

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by the Municipal Employee Relations Act, it is hereby

ORDERED that:

1. The petition to intervene filed by Michael Brisco in Case No. MPP-30,919 is **GRANTED**.
2. The Motion for Deferral filed by the Town in Case Nos. MPP-30,881 & MPP-30,919 is **DENIED**.

CONNECTICUT STATE BOARD OF LABOR RELATIONS

Patricia V. Low
Patricia V. Low
Chairman

Wendella Ault Battey
Wendella Ault Battey
Board Member

Barbara J. Collins
Barbara J. Collins
Board Member

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed postage prepaid this 10th day of April, 2015 to:

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CONNECTICUT STATE BOARD OF LABOR RELATIONS