

STATE OF CONNECTICUT
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

TOWN OF ORANGE

SEPTEMBER 22, 1999

-and-

CSEA, LOCAL 760, SEIU, AFL-CIO

Case No. MPP-20,273

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

Attorney Floyd J. Dugas
For the Town

Lucian R. Perillo, Jr.
For the Union

PROCEDURAL ORDER

On September 8, 1998 CSEA, Local 760, SEIU, AFL-CIO (the Union) filed a complaint, amended on April 8, 1999 with the Connecticut State Board of Labor Relations (the Labor Board) alleging that the Town of Orange (the Town) had violated and continued to violate the Municipal Employee Relations Act (MERA or the Act) by going forward with plans to subcontract bargaining unit work.

After the requisite preliminary steps had been taken, the parties entered into a full stipulation of facts and exhibits and waived their right to an evidentiary hearing before the Labor Board. Both parties filed briefs on June 30, 1999.

Upon initial consideration of the evidence and arguments presented by the parties, the Labor Board has determined that it has insufficient evidence upon which to make an informed decision in this matter. Specifically, the Union has alleged that the Town breached the ground rules agreed to by the parties during contract negotiations by raising the issue of subcontracting after the agreed upon deadline. As such the Union claims that the Town should be precluded from pursuing any subcontracting proposal and from implementing any decision to subcontract bargaining unit work. On the other hand, the Town argues, in part, that the recently executed collective bargaining agreement contains a provision allowing the Town to subcontract bargaining unit work.

Based on the arguments of the parties, the Labor Board has determined that it will require testimony or other evidence to supplement the information currently in the record concerning the history of bargaining during the most recent contract negotiations and the actions of the Town regarding its proposal to subcontract certain bargaining unit work. Therefore, the following order is issued.

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 parties shall appear before the Labor Board on a date to be determined in conjunction with the administrative offices of the Labor Board for the purpose of presenting evidence in the above captioned matter concerning:

A. The bargaining process from the period March, 1998 through February, 1999 concerning a successor to the 1995-1998 collective bargaining agreement;

B. Any relevant bargaining history of the parties concerning a successor to the 1995-1998 collective bargaining agreement; and

C. Any action by the Town after August, 1998 regarding its decision to subcontract bargaining unit work.

CONNECTICUT STATE BOARD OF LABOR RELATIONS

John H. Sauter
John H. Sauter
Chairman

Wendella A. Battey
Wendella A. Battey
Board Member

STATEMENT OF MEMBER GREBEY

I agree with my fellow Board Members that additional evidence is needed regarding the actions of the Town concerning its proposal to subcontract certain bargaining unit work. However, I do not believe more information is necessary to determine whether the Town repudiated the ground rules in negotiations. I would find, based on the information currently in the record, that no repudiation occurred because the parties began bargaining anew after rejection of the tentative agreement by the Union in June, 1998. Therefore, I would find that the Town was allowed to raise the issue of subcontracting after the deadline set in the initial ground rules. However, I would order a further hearing on the issue of the outcome of the Town's stated intention to subcontract the work by October 1, 1998.

C. Raymond Grebey
C. Raymond Grebey
Board Member

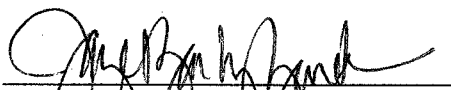
CERTIFICATION

I hereby certify that a copy of the foregoing was mailed postage prepaid this 22nd day of September, 1999 to the following:

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Robert C. Sousa, First Selectman
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Jaye Bailey Zanta, General Counsel

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