

STATE OF CONNECTICUT
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

IN THE MATTER OF
TOWN OF WILTON

JULY 1, 2003

-and-

LOCAL 1429, COUNCIL 15, AFSCME, AFL-CIO

Case No. MPP-23,463

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

Attorney Donald F. Houston
For the Town

Attorney Kenneth DeLorenzo
For the Union

DECISION ON MOTION FOR DEFERRAL

On July 18, 2002, Local 1429, Council 15, AFSCME, AFL-CIO (the Union) filed a complaint, amended on April 10, 2003, with the Connecticut State Board of Labor Relations (the Labor Board) alleging that the Town of Wilton (the Town) had violated §7-470 of the Municipal Employees Relations Act (MERA or the Act). Specifically, the Union alleges that the Town has unlawfully retaliated against and coerced employees due to the exercise of their collective bargaining rights.

On April 22, 2003, the Town filed a Motion for Deferral of this matter due to the pendency of a related lawsuit in the United States District Court. On May 12, 2003, the Union filed a Memorandum in Opposition to Respondent's Motion for Deferral.

DISCUSSION

The Town argues that this matter should be deferred until the resolution of Case No. 303CV0512(SRU) now pending in District Court. The Town cites this Board's decisions in *East Lyme Board of Education*, Decision No. 3854 (2002) and *City of Danbury*, Decision No. 2316 (1984) as support for its position. The Union objects to the

deferral request, arguing that the District Court action and the instant matter are grounded in two separate bodies of law; civil rights and labor law.

We do not find our decisions in the above-cited cases to be dispositive of this question. In *East Lyme*, the School Board had requested that the lawsuits be dismissed due to the pending civil lawsuit. The Union objected to the dismissal but requested that the cases be held in abeyance pending resolution of the civil matter. The Board granted the Union's request regarding its own complaints. In *Danbury*, the question before the court concerned the legality of the action of the City Pension Commission. The resolution of this legal question (which standing alone would not be under the jurisdiction of the Labor Board) had the potential to effectively resolve the entire matter before the Board. Under the circumstances the Board stated "We conclude that it is probable that the court review will settle the issue presented to us in this proceeding." Thus, the Board determined that "[o]rderly procedure and due regard for the functioning of the coordinate branches of our government require that this Board decline to exercise its jurisdiction pending the adjudication of this issue by the courts." *Danbury, supra* at 2.

In this case, there does not exist a probability that the District Court action will resolve the matter before this Board. The determination of the questions presented to the Court will not necessarily resolve the questions that exist in the instant case which are within the jurisdiction of this Board. For this reason, we deny the Motion for Deferral and exercise our jurisdiction over this matter. The case will be returned to the Agent for further processing.

ORDER

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by the Municipal Employees Relations Act, it is hereby **ORDERED** that:

1. The Motion for Deferral filed by the Town in this matter is **DENIED**.

CONNECTICUT STATE BOARD OF LABOR RELATIONS

John W. Moore, Jr.
John W. Moore, Jr.
Chairman

Patricia V. Low
Patricia V. Low
Board Member

Wendella A. Battey
Wendella A. Battey
Board Member

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed postage prepaid this 1st day of July, 2003 to the following:

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Jaye Bailey Zanta, General Counsel

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