

STATE OF CONNECTICUT  
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

IN THE MATTER OF  
TOWN OF GRISWOLD

NOVEMBER 6, 2003

-and-

LOCAL 1303-133, COUNCIL 4,  
AFSCME, AFL-CIO

Case No. MPP-24,018

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

Attorney David Ryan, Jr.  
For the Town

Attorney J. William Gagne, Jr.  
For the Union

**RULING ON MOTION TO DISMISS**

On May 13, 2003, Local 1303-133, Council 4, AFSCME, AFL-CIO (the Union) filed a complaint with the Connecticut State Board of Labor Relations (the Labor Board) alleging that the Town of Griswold (the Town) had engaged in practices prohibited by § 7-470 of the Municipal Employees Relations Act (MERA or the Act). Specifically, the Union contends in its complaint that the Town has retaliated against a member of the bargaining unit for exercising her rights under the collective bargaining agreement between the parties.

The case is currently being investigated by an Assistant Agent of the Labor Board. The Agent of the Labor Board has not yet made a recommendation regarding this matter pursuant to the MERA or the corresponding regulations.

On October 15, 2003, the Town filed a Motion to Dismiss this case, arguing that the Labor Board does not have jurisdiction because the acts of the individual do not constitute protected activity under the Act. The Town attached several documents to its

Motion which allegedly support its position. On October 28, 2003, the Union filed an objection to the Motion to Dismiss.

To the extent that the Town is requesting the Board to rule on this Motion at this stage in the proceedings, we decline to do so. The Motion, accompanying documents and the Union's response will be returned to the Agent for consideration in her final recommendation on this matter. Pursuant to § 7-471 of the MERA and § 7-471-24 of the Regulations, it is the Agent's responsibility to make a recommendation regarding prohibited practice complaints. We believe the purposes and the policies of the Act are best served by allowing that process to take place. If the matter proceeds to a formal hearing either through a recommendation for hearing or a timely appeal of a recommendation for dismissal, the Town may present its Motion and arguments to the full Board.

### **ORDER**

By virtue of the power vested in the Connecticut State Board of Labor Relations by the Municipal Employees Relations Act, it is hereby

**ORDERED** that the Motion to Dismiss filed by the Town and the Objection to the Motion filed by the Union be referred to the Agent for consideration in her recommendation concerning this case.

### 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 pre-paid this 6th day of November, 2003 to the following:

Attorney J. William Gagne, Jr.  
Gagne & Associates  
1260 Silas Deane Highway  
Wethersfield, Connecticut 06109

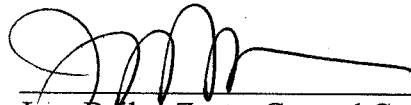
RRR

Attorney David A. Ryan, Jr.  
Ryan & Ryan  
105 Court Street, Suite 303  
New Haven, Connecticut 06511

RRR

Neal Cunningham, Service Representative  
Council 4, AFSCME, AFL-CIO  
444 East Main Street  
New Britain, Connecticut 06051

Paul J. Brycki, First Selectman  
Town of Griswold  
Town Hall, 32 School Street  
Jewett City, Connecticut 06351



Jaye Bailey Zanta, General Counsel

CONNECTICUT STATE BOARD OF LABOR RELATIONS