

STATE OF CONNECTICUT
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATION

IN THE MATTER OF

HARTFORD BOARD OF EDUCATION

-AND-

MARCH 15, 2012

LOCAL 566, COUNCIL 4,
AFSCME, AFL-CIO

-AND-

MICHAEL PITEAU

Case No. MPP-29,195

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

Attorney Helen Apostolidis
for the Board of Education

Attorney J. William Gagne, Jr.
for the Union

Attorney Barry S. Zitser
for the Complainant

RULING ON MOTIONS TO DISMISS

On May 16, 2011 Michael Piteau (Piteau) filed a complaint with the Connecticut State Board of Labor Relations (the Labor Board) alleging that the Hartford Board of Education (the School Board) had violated the Municipal Employee Relations Act (MERA or the Act) by violating the applicable collective bargaining agreement and that Local 566, Council 4, AFSCME, AFL-CIO (the Union) had violated the Act by breaching its duty of fair representation.

On July 13, 2011 the Union filed a Motion To Dismiss the complaint alleging the matter was barred under the doctrine of laches. On August 2, 2011 the School Board attempted¹ to file a Motion To Dismiss alleging laches and seeking to dismiss alleged complainant's alleged constitutional claims.

ORDER

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

ORDERED that the Motions To Dismiss by the Union and the School Board in the above-captioned case, be, and the same hereby are, **DENIED**. The case will proceed to a hearing on the merits.

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

¹ Although the School Board e-mailed a Motion To Dismiss to General Counsel for the Labor Board, the Motion was never filed in accordance with Section 7-461-47 of the Labor Board's regulations.

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed postage prepaid this 15th day of March, 2012 to the following:

Attorney Helen Apostolidis
Bird & Apostolidis RRR
P.O. Box 575
Storrs, CT 06268

Attorney J. William Gagne, Jr.
Gagne & Associates RRR
15 North Main Street
West Hartford, CT 06107

Attorney Barry S. Zitser
Perakos & Zitser RRR
100 Burritt Street, P.O. Box 3128
New Britain, CT 06050

Attorney Susan Creamer
Council 4, AFSCME
444 East Main Street
New Britain, CT 06050

Harry B. Elliott, Jr., General Counsel
CONNECTICUT STATE BOARD OF LABOR RELATIONS