



BACKGROUND (October 2019)

In re Administrative & Residual Employees Union, Local 4200; Connecticut Police & Fire Union; and Connecticut Department of Consumer Protection, Liquor Control Division

THE EXECUTIVE SUMMARY

The Fairness Center represents Erik Gagne and Barry Wallett, state employees with the Connecticut Department of Consumer Protection’s Liquor Control Division, in their labor board complaint against the Administrative & Residual Employees Union, Local 4200 (“Local 4200”), the Connecticut Police & Fire Union (“CPFU”), and the Liquor Control Division of the Connecticut Department of Consumer Protection (“Department”). Messrs. Gagne and Wallett—Department employees who have decided against joining a union—allege that Local 4200, CPFU, and the Department committed prohibited labor practices.

Since at least December 2018, either Local 4200 or CPFU have posted material on state-provided bulletin boards denigrating those who have chosen not to join a union and discouraging employees from exercising their right not to become or remain a union member. This material refers to nonmembership as “freeloading,” a derogatory term meant to suggest that nonmembers are somehow taking advantage of others. *See* Freeloading, The Free Dictionary, <https://www.thefreedictionary.com/freeloading>. Identical material was also posted on other union bulletin boards on other floors of the building in which Messrs. Gagne and Wallett work.

Messrs. Gagne and Wallett reported this material to the Department, but the Department declined to assist them in having the materials removed. Accordingly, on July 11, 2019, Messrs. Gagne and Wallett filed charges on prohibited practices with the Connecticut State Board of Labor Relations.

THE CASE LOGISTICS

Complainants

Erik Gagne
Barry Wallett

Respondents

Administrative and Residual Employees Union, Local 4200
Connecticut Police & Fire Union
Connecticut Department of Consumer Protection, Liquor Control Division

Tribunal

Connecticut State Board of Labor Relations

Judge

N/A

Relief Sought

Order requiring removal and prohibition of posted materials as well as a posting of accurate and truthful information concerning nonmembers' rights

Date Filed

July 11, 2019

THE LEGAL TEAM

David R. Osborne is President and General Counsel at the Fairness Center. David helped to launch the Fairness Center in 2014, and, in addition to providing advice and counsel to clients, he also directs and manages the firm. Prior to joining the Fairness Center, David litigated on behalf of healthcare providers and conducted organizational and lobbying efforts for a national trade association. He previously worked as a judicial clerk to a Florida Supreme Court justice and served as official staff to a member of Congress.

Nathan J. McGrath is Vice President and Director of Litigation at the Fairness Center. Nathan oversees the firm's litigation efforts and develops legal strategy to advance the Fairness Center's clients' best interests. Before joining the Fairness Center, Nathan was a staff attorney with a national nonprofit legal services organization, where he developed a national practice focused on constitutional, labor, and administrative law. Nathan began his legal career as an associate attorney with a general practice firm in Pittsburgh, Pennsylvania.