

Labor Board Sides With AFSCME, Dismisses Petition

by Christine Stuart | Dec 16, 2011 5:54pm

AUTHORIZATION FOR REPRESENTATION
NATIONAL CORRECTIONAL EMPLOYEES UNION (NCEU)
I hereby designate the NCEU as my duly chosen and authorized representative on all matters affecting my wages, hours, working conditions and employment in order to promote and protect my economic welfare and certify the designation to be its free act and deed and given without consideration

Print Name: _____ Date: _____

Address: _____
Street City/Town State Zip Code

Email Address: _____

Employer: _____

Signature: _____

The state Board of Labor Relations decided Thursday that the Massachusetts-based union trying to encourage Correction officers to switch from one union to another missed its window of opportunity.

The state Board of Labor Relations [found](#) that when the more than 4,500 Correction officers represented by AFSCME Council 4 voted down the State Employees Bargaining Agent Coalition agreement in June it had already exercised its right to seek arbitration and was not at an impasse between the time it voted down the first agreement and passed the second one.

The [National Correction Employees Union](#) came in and tried to decertify the union in between the two votes on the SEBAC concession package. The concession package caused confusion and anxiety amongst many union members. NCEU officials have said they were asked to come into the state and take over the union by some of the Correction officers.

The NCEU received enough support to file a petition for decertification. But the Board of Labor Relations said AFSCME had applied for arbitration during that time.

“Indeed the evidence supports a conclusion that the arbitration process would timely proceed in the event of rejection of ratification by the bargaining unit, SEBAC’s membership, or the state legislature,” the decision reads. “So we overrule NCEU’s claim that the interest arbitration at issue was a sham.”

If the Board of Labor Relations had certified 30 percent of the petitions, then it would have given the Correction officers a chance to vote on whether to stay with AFSCME or switch to the NCEU. The petition for the Correction supervisors, represented by CSEA/SEIU Local 2001 is still pending.

John Connor, a Massachusetts attorney who represents NCEU, did not return calls seeking comment.

AFSCME Council 4 had argued that the window of time NCEU had to recruit its members closed last August, but NCEU argued that it was able to go after it this August because it was still operating without a contract.

Jon Pepe, president of AFSCME Local 391, said Friday that he was delighted by the Labor Board decision.

“The union, when all the dust settles, were the ones who were truthful to their members and the truth won the day,” Pepe said.

He said despite claims to the contrary AFSCME was always concerned with the well-being of its members, while NCEU was “after the dues money” and wasn’t in a position to provide the services its membership currently received.

Aside from the NCEU, the United Public Service Employees Union, is trying to decertify two judicial units represented by AFSCME Local 749, the probation unit represented by AFT, the judicial marshal unit represented by IBPO, and the State Engineering, Scientific and Technical Unit, also known as P-4, represented by CSEA SEIU Local 2001.

A hearing on those petitions will be held Monday, Dec. 19 at the Board of Labor Relations.

Barbara Resnick, an attorney representing UPSEU in those [petitions](#), said Friday she doesn’t believe the NCEU decision will impact her argument. She said that was a “distinct” situation.

Resnick is concerned about an [attachment](#) to the SEBAC agreement which none of the unions saw prior to the agreement, but which the Malloy administration says was always there.

The SEBAC unions said it’s standard legal language, which doesn’t allow any of the SEBAC membership to go after each others members.

“In essence they believe they can forever block State workers from ever having a choice in their representation,” Resnick said. “This is a clear violation of State Regulation and in fact, the First Amendment. Fortunately for State workers the law doesn’t support the State and SEBAC joint coalition.”

She argues the 6,000 state workers should be given a choice of which union they belong to.