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## Politics & Courts

### Accusations fly: Union charges Correction Department with campaign of anti-union conduct, files 2nd labor complaint

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A union representing prison employees has filed a second labor complaint against the state Department of Correction, alleging the department has engaged in a campaign of anti-union conduct against some of its members.

"We're alleging that on a statewide basis, the DOC is attempting to intimidate or harass union leaders for speaking out about issues of concern within their facilities," Larry Dorman, spokesman for Council 4 of the American Federation of State, County, and Municipal Employees or AFSCME, said of the second labor complaint.

Council 4 filed its first complaint with the state Board of Labor Relations in April.

That complaint accused the department of attempting to suppress the free speech rights of AFSCME Local 391 President Jon Pepe.

Pepe was investigated by the Correction Department's security division for talking to a Journal Inquirer reporter last October about an assault that occurred in the Northern Correctional Institution in Somers.

In a JI article published on Oct. 31, 2008, Pepe discussed an inmate altercation that took place at Northern and described a correctional officer's role in saving an inmate's life.

In January, the department's Security Division initiated an investigation into the comments Pepe made in October.

According to documents made available to the JI under a Freedom of Information request, that investigation concluded in mid-April that Pepe had violated departmental directives.

One document recommended that Pepe familiarize himself with those directives but did not specify any disciplinary action.

Then in late April, AFSCME Council 4 filed a state prohibited practice complaint with the state Board of Labor Relations on behalf of Locals 387, 391, and 1565.

The complaint alleges that recent department actions "infringe on the union's ability to represent their members by and through the media."

Those actions include a memorandum the Correction Department issued in September to all of its staff regarding the release of information to the public.

#### 'Atmosphere of hostility' alleged

"We feel that the department is on a campaign to prevent our union leadership from exercising their constitutional right to speak out," Dorman said.

"No discipline has been rendered to date, but clearly they've created an atmosphere of hostility and intimidation," he added.

When asked what confidential information Pepe had conveyed in his comments to the JI about the assault at Northern or whether the assault itself was confidential at the time, Correction Department spokesman Brian Garnett said, "What I feel comfortable in saying is that a large part of the concern was that this involved what at that point was an ongoing criminal, as well as departmental, investigation."

Garnett said he could not comment on the labor complaints themselves, except to say "the agency welcomes the review and oversight of the situation by the Attorney General."

Garnett said previously that Pepe came under fire because he discussed an incident that, at the time, was under investigation.

"The issue here is that the comments dealt with specifics regarding a matter that was an ongoing criminal and security division investigation," he explained.

When asked whether the Correction Department does not want the public to know about incidents that occur in the state's prisons, Garnett responded, "Not at all. The agency endeavors to be as transparent as possible, and we disclose to the extent possible any issues which occur that may be of concern to the public.

"The agency's record, particularly with this administration going back to 2003, is replete with efforts to make the department as open and transparent as possible."

However, Garnett admitted that the Correction Department did not release information about the October attack at Northern.

That attack, which Pepe had discussed with the JI, took place at Northern round 9 a.m. on Oct. 2. According to Pepe's account, the altercation involved two inmates, Robin Elliott, 56, and Jake Ruffino, 23. A correctional officer intervened and broke up the fight.

Ruffino was badly beaten and later hospitalized at the University of Connecticut Health Center. He was awaiting sentencing on a first-degree assault charge when the attack occurred.

#### **Garnett: Not all incidents publicized**

When asked then how the public is supposed to know about incidents that occur in the state's prisons if not through prison employees, Garnett said, "It depends upon the magnitude of the incident. If something is a relatively minor incident and occurred within the facility and involved no threat to public safety or staff injury, then typically we would not make a public pronouncement about that."

He added, "We don't publicize every assault — and assaults come in all sizes — that occurs within our facilities because, frankly, those aren't something that should concern the average person."

Some state lawmakers disagreed with that position.

"I think that's preposterous. I think the public has a right to know, unless there is a clear bright line test indicating why we would not," Sen. John A. Kissel, R-Enfield, said.

"You don't lose your constitutional rights because you become an employee of the state of Connecticut. People have a right to free speech, and that's guaranteed in the constitution," Kissel added.

"From my perspective, there are inconsistencies in the department's complaints because they're citing one example, yet there are many other examples when union leadership have spoken out, and rightly so, where they have not been cited," Rep. Karen Jarmoc, D-Enfield, said.

"Certainly, in the case that Jon Pepe is being cited for, I don't see that as any more unusual than numerous other times when there have been health and safety concerns," she added.

Meanwhile, Attorney General Richard Blumenthal said that certain "common sense" limits should apply to the free speech rights of union leadership, but he added, "We have no evidence, and none

has been made available, indicating that he (Pepe) exceeded or violated those limits.”

Blumenthal also said, “We provided advice to the DOC, which they declined to follow.”

“They essentially told Mr. Pepe they were going to discipline him or take action against him,” a move Blumenthal said he advised against.

Dorman did not provide many details about the second labor complaint, which is expected to be addressed, along with the first complaint, at an informal labor board hearing scheduled for Wednesday.

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