



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
19 STANIFORD STREET, 1ST FLOOR
BOSTON, MASSACHUSETTS 02114
Telephone: (617) 626-7158
FAX: (617) 626-5467
www.mass.gov/jlmc

CHARLES D. BAKER
GOVERNOR
KARYN E. POLITO
LIEUTENANT GOVERNOR

JOINT LABOR-MANAGEMENT
COMMITTEE FOR
MUNICIPAL POLICE AND FIRE
JOHN W. HANSON
CHAIR

MEETING MINUTES
3(A) PANEL HEARING

Pursuant to M.G.L. c. 30A § 20(c), and the Open Meeting Law Regulations, 940 CMR 29.03 (6), a 3-Member Panel (“Panel”) of the Joint Labor-Management Committee for Municipal Police and Fire (“JLMC”) convened pursuant to Section 1, subsection 3(a), of Chapter 589 of the Acts of 1987, in the matter of **Falmouth Firefighters, Local 1397, IAFF and the Town of Falmouth, JLM-18-6848**, on:

DATE: January 11, 2019

TIME: 10:00 A.M.

LOCATION: Offices of the Joint Labor-Management Committee,
19 Staniford St., 1st Floor, Boston, MA 02114-2502

PANEL MEMBERS PRESENT: Chairman John Hanson; JLMC Member for Management, Richard Tranfaglia; JLMC Member for Labor, William Cross

STAFF PRESENT: Senior Staff Reps. Joseph Hubley (Labor) and George Driscoll (Management)

ATTORNEYS: Leah Barrault (Counsel for Falmouth Firefighters, Local 1397, IAFF), Leo Peloquin (Counsel for Town of Falmouth).

OTHERS PRESENT: Michael Small (Falmouth Fire Chief), Peter Johnson-Staub (Town of Falmouth); Union: S.Starbard, D.Boyar, M.Mueller, R.Gavin, R.Bergeron.

OPEN SESSION:

Following a mediation session with the parties, Chairman John Hanson called the meeting to order at 2:20 P.M. for the purpose of holding a hearing pursuant to Section 1, subsection 3(a), of Chapter 589 of the Acts of 1987 in the matter of **Falmouth Firefighters, Local 1397, IAFF and the Town of Falmouth, JLM-18-6848**.

Chairman Hanson opened the hearing and noted that the parties had submitted their issues in accordance with the rules and recited the procedural history of the case. The Union and the Town had submitted their statements of issues for purposes of the 3(a) hearing and for arbitration which were received by the Panel and marked and attached hereto as **Union Exhibit 1** and **Town Exhibit 1**, respectively, and are part of the record of this 3(a) hearing. The Union submitted additional documents that were marked **Union #2** and **Union #3**.

Chairman Hanson asked Attorney Barrault to proceed with the Union's presentation. Attorney Barrault requested arbitration by a tripartite panel on an issue by issue basis. Attorney Barrault stated the Union's issues substantially as set forth in Union Exhibit 1. Attorney Barrault withdrew Union Issue #3

Chairman Hanson asked Attorney Peloquin to proceed with the Town's presentation. Attorney Peloquin requested arbitration by a tripartite panel on an issue by issue basis. Attorney Peloquin stated the Town's issues substantially as set forth in Town Exhibit 1.

Attorney Barrault made several objections to the Town's issues. The Union objected to Issue #1 on the grounds that it was outside the ground rules and that it presented three nested issues. The Union objected to Issue #2 on the ground that it presents four nested issues. Attorney Peloquin argued that the Town's Issue #1 had been proposed within the ground rules. Attorney Peloquin also argued that, under the Union's theory of nested issues, the Union's night differential and educational incentive issues could be construed as creating a nesting of multiple issues. Attorney Peloquin stated that the Town would be agreeable to removing the last sentence of Town Issue #1.

The Panel took a brief recess.

The Panel deliberated and the Chairman suggested to the parties that the Union's issues were not nested but that the Town's Issue #1 presented two distinct issues. Thereupon, Attorney Peloquin withdrew Town Issue #4.

Mr. Tranfaglia made the following motion, seconded by Mr. Cross: Having heard the respective parties and having identified the issues in dispute, the Panel finds that there is an apparent exhaustion of the process of collective bargaining which constitutes a potential threat to public welfare and the panel votes to recommend that the Committee send this case to arbitration by a tripartite panel consisting of Labor member, a Management member and a neutral selected by the parties in the usual manner, on the following issue by issue basis:

Union's Issues: The Union's issues shall be those issues set forth in Union Exhibit 1, which is attached hereto except that Issue #3 is withdrawn and stricken.

Town's Issues: The issues shall be those issues set forth in Town Exhibit #1 except that Town Issue #4 and the last sentence of Town Issue #1 are withdrawn and stricken.

The Motion passed unanimously.

Chairman Hanson closed the hearing and adjourned the meeting.

Minutes prepared by George Driscoll, Senior Staff Representative

Approved at JLMC Committee Meeting on February 14, 2019