



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
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JOINT LABOR-MANAGEMENT
COMMITTEE FOR
MUNICIPAL POLICE AND FIRE

JOHN W. HANSON
CHAIR

JOINT LABOR MANAGEMENT COMMITTEE FOR MUNICIPAL POLICE AND FIRE

MEETING MINUTES FOR OCTOBER 8, 2020

DATE: October 8, 2020

TIME: 11:00 a.m. - Full Committee Meeting

LOCATION: This meeting was conducted via Webex videoconference pursuant to the "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20" issued by Governor Baker dated March 12, 2020, persons wishing to participate in or gaining public access to this meeting can do so via making use of WebEx meeting software <https://www.webex.com/downloads.html>.

Meeting link:

<https://eolwdma.webex.com/eolwdma/j.php?MTID=m8354066a1fb4f9a0c1377ec79cc722d2>

Meeting number (access code): 173 013 5390

Meeting password: Ze7r6cgG3Pi

Join by phone:
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Committee Members Present: Chairman Hanson; Police: Perreira; Management: Goldsmith, Ansaldi, Yanakakis, Johnson, Mazzarella; Fire: M.Reddy

Alternates Present: Fire: Cross, Keene, Young; Police: Nelson, DeMille, Pedrini; Management: Bain, Aicardi, Frederickson, Mazzucco..

Staff Present: Cummings, Driscoll, Hubley, Morgado

Others: Philip Roberts (DLR), Jill Bertrand (DLR), John Robertson (MMA), Elizabeth Valerio, Jane Friedman, Elizabeth Pio, Adeline Jeneid, Chris Welch

OPEN SESSION

Chairman Hanson called the meeting to order at 11:11 A.M.

The meeting is being recorded by Chairman Hanson

- **Administrative Updates**

 - Meeting Minutes:

 - Vote to accept meeting minutes from September 24, 2020.

 - **Motion by Cross, second by Mazzarella: to approve the minutes of the September 24, 2020, full Committee meeting.**

 - **The Motion passed unanimously.**

- **Chairman's Report**

 - Chairman Hanson informed the Committee that he, Senior Staff, and several members of the Committee, representing Police, Fire and Management met with the Legislature's Joint Committee on Public Service on Tuesday, September 29, 2020, via video-conference, and introduced the legislators to the JLMC and its history. Chairman Hanson thanked John Nelson for organizing the meeting.

- ***Review and Act on the following Petition, Jurisdiction and Awaiting Funding List (AFL) Cases:***

Case No.	Organization	Mediator/Sr. Staff	Topic/Vote/Action
1. JLM-20-7879	Shirley Police	DC, DJM	Funded/Remove

Mr. Morgado briefed the Committee.

Motion by Mayor Mazzarella, second by Perreira: to remove the case from the Committee's docket as the Town has funded the contract.

The Motion passed unanimously.

2. JLM-19-7091	New Bedford Police	DC, DJM	Vote to Arbitration
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Mayor Mazzarella made the following motion: I move that the Committee request an opinion from any counsel that may be made available to the Committee on the following issues: (1) does the Committee have the authority under the provisions of Section 3(c) of Chapter 589 of the Acts of 1987 to take jurisdiction in the dispute over the city's proposal to remove captains from the bargaining unit? (2) if the Committee has taken jurisdiction over such a dispute, does it then have exclusive jurisdiction over said dispute? (3) after it has taken jurisdiction, may the Committee exclude said dispute from the issues for arbitration solely on the grounds that it is defined as a permissive subject of bargaining under G.L. c.150E? (4) if the Committee has exclusive jurisdiction over said dispute, does it effectively deprive the city of a remedy by excluding it from the issues for arbitration?

The Motion did not receive a second.

Mayor Mazzarella offered to make a motion to send the case to arbitration pending a request for an opinion from counsel. Mr. Perreira objected. A discussion ensued. Among other things, Mayor Mazzarella cited a conflict between the provisions of G.L. c.150E and Section 3(c) of Chapter 589 of the Acts of 1987 and suggested that the Committee needed clarification. Mr. Perreira stated his objections and reasoning. Chairman Hanson stated his reasoning for upholding the decision of the 3(a) panel to exclude from arbitration the City's issue of removing police captains from the bargaining unit. Chairman Hanson posed a question to DLR Executive Director Philip Roberts about the process at DLR for removing individuals from a bargaining unit. Mr. Philips explained the process. Mr. Philips also suggested that DLR Chief Counsel, Jill Bertrand, was available to research the issue in this case. Chairman Hanson informally suggested an amendment to Mayor Mazzarella's earlier motion that would modify the request for a legal opinion.

Mayor Mazzarella withdrew his previous Motion and offered a new motion.

Motion by Mazzarella, second by Hanson: to find that in the matter of the New Bedford Police Union and the City of New Bedford – JLM-19-7091, that there is an apparent exhaustion of the processes of collective bargaining which constitutes a potential threat to public welfare and that the Committee vote to send this case to mediation-arbitration by a tripartite panel consisting of Michael Perreira (Labor) and Dean Mazzarella (Management) and/or other Committee members and/or senior staff that may be substituted as necessary by the respective Labor and/or Management Chairs pursuant to the rules, policies, and procedures of the Committee, and any other applicable provisions of law, and a neutral selected in accordance with the Committee's rules, policies and procedures, on an issue by issue basis, with said issues having been identified at the October 5, 2020, hearing held pursuant to Section 1, Subsection 3(a), of Chapter 589 of the Acts of 1987. However, prior to moving this matter to arbitration, the Committee requests an opinion from any counsel that may be made available to the Committee on the following issues: (1) does the Committee have the authority under the provisions of Section 3(c) of Chapter 589 of the Acts of 1987 to take jurisdiction in the dispute over the city's proposal to remove captains from the bargaining unit? (2) if the Committee has taken jurisdiction over such a dispute, does it then have exclusive jurisdiction over said dispute? (3) after it has taken jurisdiction, may the Committee exclude said dispute from the issues for arbitration? (4) if the Committee has exclusive jurisdiction over said dispute, does it effectively deprive the city of a remedy by excluding it from the issues for arbitration?

Chairman Hanson called for roll call vote on the Motion. Mr. Perreira voted in the negative. Mayor Mazzarella voted in favor. Chairman Hanson voted in favor. The Motion passed by a 2-1 margin.

Chairman Hanson directed that Chief Counsel Bertrand should deliver her opinion to the Committee for the November 12, 2020 meeting. Chairman Hanson further directed that, if the Parties wished to file briefs, they must do so by October 22, 2020.

3. JLM-20-8064 Norton Fire GD, JOEH Tentative Agreement

Mr. Driscoll briefed the Committee and reported a Tentative Agreement. No action required.

4. JLM-20-8080 Fall River Fire DJM, JOEH Vote to 3(a) Hearing

Motion by Cross, second by Goldsmith: to find that in the matter of the Fall River Fire Fighters, Local 1314 and the City of Fall River – JLM-20-8080, the issues have remained unresolved for an unreasonable period of time resulting in the apparent exhaustion of the process of collective bargaining, and that the Committee vote to hold a hearing pursuant to Section 1, subsection 3(a), as set forth in Chapter 589 of the Acts of 1987, with the panel members consisting of Matthew Reddy (Labor) and Dean Mazzarella (Management), or other Committee members and/or senior staff that may be substituted as necessary by the respective Labor and/or Management Chairs pursuant to the rules, policies, and procedures of the Committee, and any other applicable provisions of law, with said panel to be chaired by John Hanson.

The Motion passed unanimously.

Vote to accept the following minutes of hearings held pursuant to Section 1, sub-section (3)(a) of Chapter 589 of the Acts of 1987 (Provided quorum of panel members are present)
Case No. Organization Date(s) Panel Members

JLM-20-7968 New Bedford Fire September 15, 2020 Hanson, M. Reddy, Mazzarella

Motion by M.Reddy, second by Mazzarella: to approve the minutes of the 3(a) Hearing in this case.

The Motion passed unanimously.

JLM-19-7091 New Bedford Police October 5, 2020 Hanson, Perreira, Mazzarella

Motion by Perreira, second by Mazzarella: to approve the minutes of the 3(a) Hearing in this case.

The Motion passed unanimously.

Adjournment

Motion by Cross, second by Goldsmith: to adjourn the Committee meeting.

The Motion passed unanimously.

Chairman Hanson adjourned the meeting at 12:04 P.M.

Minutes drafted by George Driscoll, Senior Staff Representative.

Minutes Approved by the Committee on November 19, 2020.