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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 DECEMBER 17, 2020**

DATE: December 17, 2020

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

LOCATION: This meeting was conducted via Webex video-conferencing 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=m16f2bddce819b089d5905d7a96ccf5af>

Meeting number (access code): 179 927 3925

Meeting password: VNjjaJQX254

Additional ways to join:

By phone by dialing 1-408-418-9388 or 1-617-315-0704 using the access code: 179 927 3925

Video Address [1799273925@eolwdma.webex.com](mailto:1799273925@eolwdma.webex.com)

By dialing 173.243.2.68 and entering meeting number 179 927 3925

By dialing [1799273925.eolwdma@lync.webex.com](https://1799273925.eolwdma@lync.webex.com)

**Committee Members Present:** Chairman Hanson; Police: Andrews, Perreira; Management: Goldsmith, Johnson; Fire: M.Reddy, MacKinnon.

**Alternates Present:** Fire: Cross, Keene; Police: Pedrini, DeMille, Nelson, T.Reddy; Management: McCall, Aicardi, Mazzucco, Frederickson, Hayes, Bain.

**Staff Present:** Cummings, Driscoll, Hubley, Morgado.

**Others:** Philip Roberts (DLR), Elizabeth Valerio, Thomas Gibney, Leah Barrault, Jane Friedman, Jason Orlando.

### **OPEN SESSION**

Chairman Hanson called the meeting to order at 11:07 A.M.

The meeting is being recorded by Chairman Hanson

- **Administrative Updates**

- Meeting Minutes:

- Vote to accept meeting minutes from November 19, 2020.

- No action. Draft minutes will be available for January 14 meeting.

- **Chairman's Report**

- Chairman Hanson discussed possible revisions to the procedures for the filing of 3(a) hearing submittals and objections. Committee members exchanged views on the efficacy of making changes to existing procedures.
  - Chairman Hanson discussed a request for a financial analysis made by the City of New Bedford to the Division of Local Services pursuant to the JLMC statute. The statute authorizes the Committee to make such a request but this particular request was made directly to the Division. Sean Cronin, Senior Deputy Commissioner at the Division, advised Chairman Hanson that the request had been made. Chairman Hanson is not opposed to such a request but discussed the matter with Mr. Cronin who will continue to advise the Committee of any such requests.

***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-19-7091	New Bedford Police	DC, DJM	Reconsideration of the October 8, 2020 vote of the Committee to send this case to arbitration. If reconsideration is successful, a new or revised motion to send

the case to arbitration is reasonably anticipated.

The Management caucus requested that the Committee discuss the advisory opinion provided by Chief Counsel, Jillian Bertrand, in the New Bedford Police case as the Committee did not have a sufficient amount of time to review the opinion in advance of the last meeting. Ms. Goldsmith noted that the City's issue regarding its police captains was a certified issue and that, after the management caucus on December 2, 2020, she had forwarded an email to the Chairman asking that this be put on the agenda for today's meeting. Ms. Goldsmith asked that her email of December 2 be made a part of the record and, pursuant to her request, it is incorporated by reference and attached hereto.

**Motion by Goldsmith, second by Hanson (for discussion): to reconsider the Committee's action taken in the matter of the New Bedford Police Union and the City of New Bedford, JLM-19-7091, on October 8, 2020, for the purposes of modifying the previous action taken.**

The motion was discussed at length by members of the Committee and there was also input from Philip Roberts, Executive Director of DLR.

Mr. Cross requested that the Chairman move the question and the Chairman called for a vote.

**The Committee voted as follows on the previous motion: Goldsmith – Yes; Andrews – No; Hanson - No. The Motion fails by a 2-1 margin.**

2. JLM-19-7435 North Attleborough Police CG, DC, GD Funded/Remove

Mr. Driscoll briefed the Committee.

**Motion by Goldsmith, second by Andrews: to remove the case from the Committee's docket as the Town has funded the contract.**

**The Motion passed unanimously.**

3. JLM-20-8120 Medford Police Superiors DC, GD Vote to a 3(a) Hearing

Mr. Cummings and Mr. Driscoll briefed the Committee.

**Motion by Andrews, second by Goldsmith: to find that in the matter of the Medford Police Superior Officers Association and the City of Medford, JLM-20-8120, 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 Richard Pedrini (Labor) and Dean Mazzearella (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.**

4. JLM-18-6653 Plymouth Police Superiors DC, GD Funded/Remove

Mr. Driscoll briefed the Committee.

**Motion by Andrews, second by Goldsmith: to remove the case from the Committee's docket as the Town has funded the contract.**

**The Motion passed unanimously.**

5. JLM-19-7242 Plymouth Police DC, GD Funded/Remove

Mr. Driscoll briefed the Committee.

**Motion by Andrews, second by Goldsmith: to remove the case from the Committee's docket as the Town has funded the contract.**

**The Motion passed unanimously.**

6. JLM-20-7879 Shirley Police DC, DJM Funded/Remove

Mr. Morgado briefed the Committee.

**Motion by Andrews, second by Goldsmith: to remove the case from the Committee's docket as the Town has funded the contract.**

**The Motion passed unanimously.**

7. JLM-20-8108 Waltham Fire JOEH, DJM Funded/Remove

Mr. Hubley briefed the Committee.

**Motion by Cross, second by Goldsmith: to remove the case from the Committee's docket as the City has funded the contract.**

**The Motion passed unanimously.**

- ***Other business***

- Mr. Hubley and Mr. Driscoll informed the Committee that the parties had reached a tentative agreement in the Weymouth Firefighters case.
- Mr. Cross congratulated Chairman Hanson on his receipt of the Cushing-Gavin Award from The Labor Guild.
- Ms. Goldsmith informed the Committee that Fire Chief Tim Francis of Dartmouth is retiring and leaving the Committee and wished him well on behalf of the Committee.

***Adjournment***

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

**The Motion passed unanimously.**

Chairman Hanson adjourned the meeting at 12:02 P.M.

The minutes were drafted by George Driscoll, Senior Staff Representative.

Minutes Accepted by the Committee on January 14, 2021.

12.17.2020 JLMC MEETING MINUTES  
REFERENCED DOCUMENT IN CASE ITEM No.1, NEW BEDFORD POLICE

**Driscoll, George (DLR)**

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**From:** Jill Goldsmith <jgoldsmith@chatham-ma.gov>  
**Sent:** Wednesday, December 2, 2020 9:14 AM  
**To:** Hanson, John (DLR)  
**Cc:** John Hanson (home); alanandrews7@msn.com; lynnlocal739@aol.com; Morgado, Daniel (DLR); Driscoll, George (DLR)  
**Subject:** JLMC - New Bedford Police Union and the City of New Bedford – JLM-19-7091; Agenda Request

Re: New Bedford Police Union and the City of New Bedford – JLM-19-7091

Chairman Hanson:

I have reviewed Chief Counsel Bertrand's advisory opinion dated November 18, 2020. As you are aware, I did not receive this opinion until the evening of November 18, 2020. Mayor Mazzarella, myself and other members of the JLMC management caucus had not had an opportunity to fully review the opinion in time for the JLMC meeting on November 19<sup>th</sup>. Having since reviewed this advisory opinion personally along with members of the management caucus, I respectfully request that a discussion of this advisory opinion be placed onto the agenda of the next meeting of the JLMC, which is currently scheduled for December 17, 2020.

It seems clear in this advisory opinion that the issue of the removal of captains from the bargaining unit (the "Issue") can be certified for arbitration by the Committee. The clear language of Section 4A(3)(c) of Chapter 589 of the Acts of 1987, specifically grants the Committee jurisdiction over this issue and, in fact, it was a certified issue at the time that the Committee took jurisdiction. Presumably, the City relied upon section 4A(3)(c) and the Committee's vote of jurisdiction, when it submitted this issue for arbitration; to its apparent detriment.

As you know, this issue was paramount to the City and had been bargained by the parties and then duly certified for jurisdiction. As you are also aware, it was the primary issue that contributed to the "apparent exhaustion of the process of collective bargaining" that the Committee so found on October 8, 2020 when mediation-arbitration was authorized. Nevertheless, the Committee's action of October 8, 2020, denied the City of New Bedford its opportunity to bring the issue to arbitration and denied the City its remedy under the clear language of the Act.

By specifically carving out an exception under Section 4A(3)(c), the Legislature expressed a strong public policy interest in granting the Committee the explicit authority to take jurisdiction over and arbitrate this issue, and to grant municipalities the right to petition the Committee for relief on this issue. The City had every reason to believe that this issue would be certified for arbitration under both the language of the Act and the course of the proceedings. To decide otherwise is inequitable and warrants a further and full discussion by the Committee and the opportunity for reconsideration.

Accordingly, it is the intention of management to bring a motion for reconsideration of the action of October 8, 2020 at our next meeting in order to include this issue as being certified for mediation-arbitration by the tripartite panel.

Further, I ask that as a matter of courtesy that no list of arbitrators be issued on this case until after the next meeting on December 17, 2020.

Thank you in advance for your thoughtful consideration.

Jill R. Goldsmith  
Management Chair



cc: JLMC Labor Chairs Alan Andrews (Police) and Matt Reddy (Fire)

Jill R. Goldsmith, Chatham Town Manager, ICMA-CM  
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#### Important Information

For up-to-date COVID-19 information, please visit <https://www.chatham-ma.gov/home/pages/covid-19-coronavirus-information> or contact the Town's Emergency Operations Center (EOC) at 508-945-5191 or [chathameoc@chatham-ma.gov](mailto:chathameoc@chatham-ma.gov). If you have not already signed up for the Town's Alert System, please do so at <https://www.chatham-ma.gov/subscribe>. Thank you!