

TOWN OF EAST LONGMEADOW AND EAST LONGMEADOW LIBRARY STAFF ASSOCIATION/MLSA, MCR-3721 (2/11/88). DECISION ON APPEAL OF HEARING OFFICER'S DECISION.

- 33. Consent Agreements and Stipulations
  - 34.1 appropriate unit
  - 34.2 community of interest
  - 34.3 desires of employees
  - 34.4 efficiency of operation (fragmentation)
  - 34.5 established practice (history)
  - 34.93 severance
  - 35.3 inclusion of professionals and craft severance
  - 35.68 librarians
- 47. Recognition Without an Election
- 92.51 appeals to full commission

Commissioners participating:

Paul T. Edgar, Chairman  
 Maria C. Walsh, Commissioner  
 Elizabeth K. Boyer, Commissioner

Appearances:

- John J. Keefe - Representing the East Longmeadow Library Staff Association/MLSA
- James E. Dowd, Esq. - Representing the Town of East Longmeadow

DECISION ON APPEAL OF HEARING OFFICER'S DECISION

Statement of the Case

Pursuant to a representation petition filed by the East Longmeadow Library Staff Association/MLSA (Association) seeking to sever the East Longmeadow library employees from an existing residual bargaining unit of employees in the Town of East Longmeadow (Town or Employer), Hearing Officer Theresa M. Dowdy, Esq. issued a decision on July 28, 1987, dismissing the petition.<sup>1</sup>

The Petitioner filed both a timely appeal of the hearing officer's decision and a supplementary statement. The Employer did not file a supplementary statement. Although the Petitioner challenged some of the hearing officer's findings of fact, our review of the facts indicates that the minor discrepancies between facts found by the Hearing Officer and the record are not material and relevant to the outcome of this case. Thus, we adopt the findings set forth in the hearing officer's decision. For the reasons set forth below, we affirm the hearing officer's decision.

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<sup>1</sup>The full text of the hearing officer's decision is reported at 14 MLC 1078 (1987).



Opinion

The Association's primary contention on appeal is that broadly diverse bargaining interests and working conditions distinguish the library employees from the rest of the residual unit.<sup>2</sup> A party seeking to sever a portion of an existing bargaining unit must demonstrate that the petitioned for employees constitute a functionally distinct appropriate unit with special interests distinguishable from those of other unit employees. Moreover, a petitioner must demonstrate that special negotiating concerns resulting from the differences have caused or are likely to cause conflicts within the bargaining unit that will significantly interfere with collective bargaining. Northeast Metropolitan Regional Vocational School District, 7 MLC 1734, 1744 (1981); see also New Bedford School Committee, 12 MLC 1058, 1059-60 (1985). The standard is designed to ensure that severance not be granted based merely upon transient disputes, discontent, or personality conflicts. See Town of Dedham, 4 MLC 1720, 1725 (1977).

We have reviewed the record and agree with the hearing officer that the library employees do not form a functionally distinct group with special interests distinguishable from the rest of the bargaining unit. Contrary to the position advanced by the Petitioner, the working conditions of the library employees are not so dissimilar from those of the rest of the bargaining unit that they destroy the existing community of interest.<sup>3</sup> On this record we do not conclude that special negotiating concerns exist which have caused or are likely to cause the kind of irreconcilable conflicts which might warrant severance.

Moreover, the petitioned-for unit does not appear to constitute a separate appropriate unit. The Commission generally discourages the creation of departmental

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<sup>2</sup>The Petitioner argues that the Town's original voluntary recognition of the existing bargaining unit was not in compliance with the Commission rules. The Commission's rules regulate the voluntary recognition procedure when a recognition agreement is submitted as a bar to an election petition. (456 CMR-14.06(2)). The recognition of this unit is not being raised as a bar in this case, therefore the petitioner's argument is irrelevant.

<sup>3</sup>For example, the Petitioner argued that the library employees lost a half-day holiday on Christmas Eve day when the Association negotiated its first contract and agreed to make the holiday uniform for members of the unit. While the loss of a half-day holiday is of significant concern to the library employees, the existing community of interest is not destroyed by the fact that part of the unit lost a benefit in order to extend a different benefit to the rest of the unit.



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units favoring instead units which cross departmental lines and include employees throughout the employing organization. Northeast Metropolitan Regional Vocational School District, 7 MLC at 1745; see Boston Water and Sewer Commission, 7 MLC 1440, 1443 (1980). We find no reason to depart from this policy in this case.

Conclusion

On the basis of the foregoing, we affirm the decision of the hearing officer and hereby order that the petition be DISMISSED.

COMMONWEALTH OF MASSACHUSETTS  
LABOR RELATIONS COMMISSION

PAUL T. EDGAR, CHAIRMAN  
MARIA C. WALSH, COMMISSIONER  
ELIZABETH K. BOYER, COMMISSIONER

