

MELVIN A. BROWN AND CHICOPEE FIRE FIGHTERS, LOCAL 1710, IAFF, MUPL-2470, MUPL-2474
(10/17/88). SUPPLEMENTAL ORDER.

- 72.3 agency service fee
- 82.1 affirmative action
- 82.111 interest
- 82.124 notices
- 83. Compliance

SUPPLEMENTAL ORDER

On February 1, 1988, a compliance conference was held at the Labor Relations Commission (Commission) to investigate a claim by Melvin A Brown (Brown) that Chicopee Fire Fighters, Local 1710, IAFF (Local 1710) had failed to comply with an Order in the above-captioned case issued by the Commission on October 26, 1987. Brown advanced three arguments in support of his claim: 1) Local 1710 had failed to pay him a compounded interest rate on the sums owed him identical to that paid by his escrow account with Local 1710; 2) Local 1710 posted the required notice to employees at only one of six fire stations for less than thirty (30) days as ordered; and 3) Local 1710 violated paragraph 3 of the Commission's Order because in 1979-1983 it had sought his discharge for nonpayment of his agency fee.

The conference revealed that Local 1710 had posted the Notice to Employees referenced in paragraph 5 of the Commission's October 26 Order at only one of the six fire stations in Chicopee for a period of less than thirty (30) days. However, notices to employees customarily are posted on bulletin boards at all six stations. Further, it was undisputed that Local 1710 had paid Brown a simple interest rate on the amounts the Commission ordered it to pay him under paragraph 4 of the October 26 Order. The interest Brown had received on his joint escrow account with Local 1710 was 5.5% compounded monthly. Finally, although Local 1710

¹Our Decision and Order in this case appears at 14 MLC 1241 (1987). The Order required that Local 1710:

1. Cease and desist from demanding that Melvin A. Brown pay agency service fees or assessments for the time period between April 1, 1979 and June 30, 1983 in excess of \$74.76.
2. Not attempt to enforce the agency service fee provisions in any collective bargaining agreement between the City of Chicopee and Local 1710 that was in effect between April 1, 1979 and June 30, 1983 to the extent that those agency service fee provisions required Melvin A. Brown to pay agency service fees or assessments for that time period in excess of \$74.76.
3. Not seek the discharge or any other sanction against Melvin A. Brown for failing to pay agency service fees or assessments in excess of \$74.76 for the time period of April 1, 1979 to June 30, 1983.
4. Refund to Melvin A. Brown all agency service fees and assessments paid by him to Local 1710 between April 1, 1979 and June 30, 1983 less
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may have sought Brown's discharge prior to 1983 for failure to pay the agency service fee there was no evidence that Local 1710 had sought Brown's discharge at any time since our order issued.

Based on the facts adduced at the February 1, 1988 conference, we conclude that Local 1710 has failed to comply fully with our October 26, 1987 Order. Although the Order clearly contemplated that Local 1710 post a Notice to Employees in all fire stations for a full thirty (30) day period Local 1710 posted a notice in only one station for less than the required time. Further, our Order clearly directed Local 1710 to pay Brown interest on all amounts in excess of \$74.76 at the same rate paid by the joint escrow account. Because the interest rate paid by the joint escrow account was 5.5%, compounded monthly, Local 1710 was obligated to pay Brown that same interest rate on all sums it owed him. Because there was no evidence that Local 1710 sought Brown's discharge since 1987, we conclude that it has taken no action in violation of paragraph 3 of the Order.

WHEREFORE, we ORDER that Local 1710 shall immediately:

1. Pay Melvin A. Brown interest on all agency fees and assessments paid by him to Local 1710 between April 1, 1979 and June 30, 1983; less \$74.76 at the rate of 5.5% compounded monthly, which is the same rate paid by the joint escrow account.
2. Post in all six fire stations where notices are normally posted for bargaining unit members and leave posted for a period of not less than thirty (30) consecutive days, copies of the attached Notice to Employees.
3. Notify the Commission within ten (10) days of the receipt of this Supplemental Order of the steps taken to comply with it.

SO ORDERED.

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION

MARIA C. WALSH, COMMISSIONER
ELIZABETH K. BOYER, COMMISSIONER

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\$74.76 plus interest on all amounts in excess of \$74.76 at the same rate paid by the joint escrow account.

5. Post in all places where notices are normally posted for bargaining unit members, and leave posted for a period of not less than thirty (30) days, copies of the attached Notice to Employees.
6. Notify the Commission within thirty (30) days of receipt of this Decision and Order of the steps taken to comply herewith.



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NOTICE TO EMPLOYEES
POSTED BY ORDER OF
THE MASSACHUSETTS LABOR RELATIONS COMMISSION
AN AGENCY OF THE COMMONWEALTH OF MASSACHUSETTS

After a hearing before the Labor Relations Commission, the Commission determined that the Chicopee Fire Fighters Local 1710, IAFF (Local 1710) violated Section 10(b)(1) of G.L. c.150E (the Law) by demanding agency service fees for the period of April 1, 1979 to June 30, 1983 from Melvin A. Brown that exceeds the amount permitted by Section 12 of the Law.

WE WILL NOT demand agency service fees from Melvin A. Brown for the period of April 1, 1979 to June 30, 1983 in excess of \$74.76.

WE WILL NOT enforce the agency service fee provision contained in any collective bargaining agreement between the City of Chicopee and Local 1710 that was in effect between April 1, 1979 and June 30, 1983 to the extent that those agency service fee provisions required Melvin A. Brown to pay an agency service fee in excess of \$74.76 for that period of time.

WE WILL NOT seek the discharge of or any other sanction against Melvin A. Brown for failing to pay agency fees for the period of April 1, 1979 and June 30, 1983.

WE WILL refund to Melvin A. Brown all monies held in escrow by Local 1710 plus all interest accrued to the date of the dissolution of the escrow account and all other service fees paid by him between April 1, 1979 and June 30, 1983 in excess of \$74.76 plus interest at the same rate paid by the escrow account.

President
Chicopee Fire Fighters, Local 1710,
IAFF

