

CITY OF CHELSEA AND IAFF, LOCAL 937, MUP-2373 (1/19/77).

(90 Commission Practice and Procedure)
92.51 appeal to full commission

Commissioners Participating: James S. Cooper, Chairman; Garry J. Wooters,
Commissioner.

Appearances:

Jonathan P. Hiatt, Esquire	- Counsel for Local 937, International Association of Firefighters, AFL-CIO
J. Joseph Lydon, Esquire	- Counsel for the City of Chelsea

DECISION ON APPEAL OF HEARING OFFICER'S DECISION

Statement of Case

On October 14, 1976, Hearing Officer Stuart A. Kaufman issued his decision in the above-captioned matter pursuant to the expedited hearing procedure established by General Laws, Chapter 150E, Section 11. He concluded that the City of Chelsea (City) had failed and refused to bargain collectively in good faith with Local 937, International Association of Firefighters, AFL-CIO (Association) and had failed and refused to participate in good faith in grievance arbitration procedures. Further, he concluded that by such conduct the City had interfered with and restrained its employees in the exercise of their rights guaranteed by General Laws, Chapter 150E. Accordingly, he ordered the City to cease and desist from such conduct; to commence bargaining upon request by the Association; to meet with the Association upon request for the purposes of answering all grievances filed by the Association pursuant to the terms of the collective bargaining agreement; to assign a member of the City Solicitor's Office to assist the City's Fire Chief in drafting the Rules and Regulations of the Fire Department; and to post a notice as provided in the decision.

On October 22, 1976, the City by its representative requested a review by the Commission of the Hearing Officer's decision. On October 29, 1976, the Hearing Officer filed with the Commission and the parties a written statement of the case in accordance with General Laws, Chapter 150E, Section 11. The parties were notified of their right to file supplementary statements by November 12, 1976. No supplementary statements were received by the Commission.

After reviewing the Hearing Officer's Statement of the Case including the Commission's Complaint, the exhibits introduced at the hearing of April 29, 1976, and his decision issued on October 14, 1976, we agree with his findings of fact, opinion, conclusions and order. Therefore, we hereby adopt and incorporate the order and notice contained therein:

Order

WHEREFORE, based upon the foregoing, the Commission hereby ORDERS that the City of Chelsea shall:

1) Cease and desist from:

(a) Failing to and refusing to bargain collectively in good faith with the Union, as required by Section 6 of the Law.



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- (b) In any like or related manner interfering with, restraining or coercing its employees in the exercise of their protected rights.
 - (c) In any like or related manner, refusing to participate in good faith in grievance arbitration proceedings.
 - (d) In any like or related manner refusing to participate in good faith in collective bargaining with the Union.
 - (e) In any like or related manner, enacting, through its Fire Chief, any further General Orders relating to the conduct of the Fire Department until such time as an agreement is reached between the City and Union over rules and regulations of said Department.
- 2) Take the following affirmative action which it is found will effectuate the policies of the Law:
- (a) Upon request, immediately commence bargaining with the Union over the terms of a collective bargaining agreement.
 - (b) Upon request, immediately meet with the Union for the purpose of answering all grievances filed by the Union pursuant to Step 3 of the collective bargaining agreement's grievance procedure.
 - (c) Upon request, immediately meet with the Union for the purpose of negotiating over the rules and regulations of the Fire Department.
 - (d) Upon receipt of the request in Paragraph 2(c) above, immediately assign a member of the City Solicitor's Office to assist the Chief in the drafting of rules and regulations of the Fire Department.
 - (e) Post immediately in conspicuous places in its fire department buildings where firefighters usually congregate or where notices are usually posted, including City Hall, and maintain for a period of sixty (60) days thereafter, copies of the attached notice to employees.
 - (f) Notify the Commission, in writing, within ten (10) days of service of this decision, of the steps taken to comply with this Order.

James S. Cooper, Chairman

Garry J. Wooters, Commissioner

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

WE WILL NOT refuse to bargain collectively concerning wages, hours, and other terms and conditions of employment with the International Association of Firefighters, AFL-CIO, Local 937, as the exclusive representative of certain firefighters of the City of Chelsea.



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WE WILL NOT, in any like or related manner, refuse to participate in good faith in grievance arbitration proceedings initiated by our employees.

WE WILL NOT, in any like or related manner, enact any further General Orders relating to the conduct of the Fire Department until such time as an agreement is reached with the above-named Union over rules and regulations of said Department.

WE WILL NOT in any like or related manner interfere with, restrain or coerce our employees in the exercise of the rights guaranteed them by the Law.

WE WILL, upon request, bargain with the above-named Union, as the exclusive representative of certain firefighters, with respect to wages, hours and other terms and conditions of employment, and, if an understanding is reached, embody such understanding in a signed agreement.

WE WILL, upon request, meet with the afore-named Union for the purpose of answering all grievances filed by said Union.

WE WILL, upon request, assign a member of the City Solicitor's Office to assist the Fire Chief in the drafting of rules and regulations of the Fire Department.

By _____
MAYOR JOEL PRESSMAN
City of Chelsea

