

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

In the Matter of

PEABODY MUNICIPAL LIGHT PLANT

and

AFSCME, COUNCIL 93, LOCAL 364

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Case No.: PS-14-3913

Date Issued: February 23, 2016

**RULING ON REQUEST BY PEABODY MUNICIPAL LIGHT PLANT FOR
CERTIFICATION OF COLLECTIVE BARGAINING PROCESS**

On February 16, 2016, the Peabody Municipal Light Plant (Employer) filed a Request for Certification of Completion of Collective Bargaining Process (Request) with the Department of Labor Relations (DLR). AFSCME, Council 93, Local 364 (AFSCME) did not file a response to the Request. For the reasons addressed below, I grant the Employer's Request since it is clear that the collective bargaining process, including mediation and fact-finding, has been completed as required by Section 9 of Massachusetts General Laws, Chapter 150E (the Law).

Background

AFSCME and the Employer were parties to a collective bargaining agreement for the period July 1, 2011 through June 30, 2014 (2011-2014 Agreement). The parties met for 15 bargaining sessions in 2013 and 2014 to negotiate a successor agreement and held their last session on July 29, 2014.

AFSCME filed a petition for mediation and fact-finding with the DLR on August 1, 2014, and the DLR docketed the petition as PS-14-3913. The DLR assigned Heather Bevilacqua (Bevilacqua) to mediate the case. The parties met for mediation on the following five (5) dates: September 8 and 24, 2014, October 15, 2014, November 12, 2014, and March 5, 2015. At the conclusion of the March 5, 2015 mediation session, Bevilacqua determined that mediation had failed to resolve the impasse.

The DLR then instituted the fact finding process in accordance with Section 9 of the Law and the Rules and Regulations of the DLR, and appointed Gary Altman, Esq. (Altman) as the fact-finder. The parties engaged in further mediation with Altman on July 9 and August 10, 2015, but the mediation was unsuccessful. The parties waived a formal fact-finding hearing and submitted fact-finding briefs and exhibits on September 15, 2015. Altman issued his Fact Finder's Report and Recommendation (Report) on November 4, 2015.

Following issuance of the Report, the parties met for further mediation with Bevilacqua on January 6 and 19, 2016. AFSCME rejected the Employer's last best proposal that it made in post fact-finding mediation on January 19, 2016.

Ruling

There can be no doubt that the parties have completed the collective bargaining process, including mediation and fact-finding. Although the parties worked diligently to break the impasse, they were not able to reach an agreement. The DLR does not lightly declare impasse, but in these circumstances, when all of

the Section 9 processes available to the parties could not result in an agreement, the journey is over. I certify that the collective bargaining process is complete.

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EDWARD B. SREDNICKI
EXECUTIVE SECRETARY