

A hearing officer issued a decision in three consolidated cases, SUP-23-10124, SUP-23-10343 and SUP-24-10474, finding that the Commonwealth/Department of Developmental Services (DDS), independently violated Section 10(a)(1) of Massachusetts General Laws, Chapter 150E (the Law) by negatively referring to an employee's invocation of her Section 2 rights in her performance review; criticizing the employee for citing to the collective bargaining agreement (CBA); asking about advice that she, as a Union representative, provided to a bargaining unit employee; and making critical comments about the Union during a monthly Joint Labor-Management meeting. The hearing officer further found that the Commonwealth violated Sections 10(a)(3) and, derivatively, 10(a)(1) of the Law by retaliating against an employee for engaging in protected activity by issuing her a formal warning and by rating her performance as "meets" in her annual performance review. Additionally, the hearing officer found that the Commonwealth violated Sections 10(a)(4) and, derivatively, 10(a)(1) of the Law by retaliating against an employee for filing charges with the DLR by issuing her a formal warning.

The hearing officer, though, found that the Commonwealth/DDS did not violate the Law as alleged by placing an employee on administrative leave, issuing her an oral warning in writing, and denying her request for Union representation during a meeting that was not an investigatory interview.