COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF LABOR RELATIONS BEFORE THE COMMONWEALTH EMPLOYMENT RELATIONS BOARD

In the Matter of

Case No. WMAM-22-9067

CITY OF MEDFORD

Date Issued: December 19, 2022

and

TEAMSTERS, LOCAL 25

CERB Members Participating:

Marjorie F. Wittner, Chair Kelly Strong, CERB Member

Appearances:

| Matthew V. Sirigu, Esq. | - | Representing the City of Medford |
|-------------------------|---|----------------------------------|
| Steven Fonseca, Esq. | - | Representing Teamsters Local 25 |

STIPULATED DECISION AND ORDER

1 On February 14, 2022, the Department of Labor Relations issued a Certification of

- 2 Written Majority Authorization (Certification) certifying Teamsters Local 25 (Union) as the
- 3 exclusive representative of a bargaining unit (Bargaining Unit) comprised of:

4 All full-time and regular part-time employees employed by the City of Treasurer/Collector, 5 Medford the positions of Assistant in 6 Treasurer/Collector, Co-Directors of the Consumer Advisory Commission, 7 Building Commissioner, Director of Traffic and Transportation, IT Director, 8 Network Administrator, City Clerk, Assistant City Clerk, Chief Assessor, Assistant Assessor, City Engineer, Assistant City Engineer, Election 9 Coordinator, Senior Sanitarian, Assistant Finance Director and Veterans 10 Services Director but excluding all managerial, confidential, casual and 11 12 other employees. 13

Stipulated Decision and Order (cont'd)

1 The Certification contained a footnote stating that the City of Medford (City) had 2 raised a challenge to including the City Clerk in the unit, but that the DLR made no findings 3 on the matter because it was not outcome determinative. 4 On February 18, 2022, the City filed a Motion for Reinvestigation of the Certification 5 pursuant to 456 CMR 14.15. The City asserted that the City Clerk and Assistant City 6 Clerk should not have been included in the bargaining unit because they are legislative 7 employees who are not entitled to collective bargaining rights under M.G.L. c. 150E (the 8 Law). The Union opposed the motion. 9 On December 9, 2022, the parties filed thirteen stipulations with the DLR. The first 10 ten stipulations accurately recite the procedural history of this matter. The final three 11 stipulations state: 12 11. On November 8, 2022, the parties agreed to remove the City Clerk from 13 the Bargaining Unit provided the Assistant City Clerk remained in the 14 Bargaining Unit. 15 16 12. Thus, the parties hereby stipulate the Medford City Clerk is a legislative 17 employee not covered by Chapter 150E of the General Laws and thus 18 ineligible for inclusion in the Bargaining Unit, and the Certification of the 19 Bargaining Unit should be amended accordingly. 20 21 13. The parties further stipulate that no further amendment to the certified 22 Bargaining Unit should be made pursuant to this proceeding. 23 24 Opinion¹ 25 Where the issues raised by a request for reinvestigation of certification are 26 resolved by stipulation of the parties, the CERB will adopt the stipulations, as long as they 27 do not conflict with the Law or established CERB policy or precedent. Town of Hopedale,

¹ The jurisdiction of the Commonwealth Employment Relations Board (CERB) is not contested.

Stipulated Decision and Order (cont'd)

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1 20 MLC 1059, 1067, MCR-4196 (July 12, 1993) (citing <u>Board of Trustees, State Colleges</u>, 2 4 MLC 1428, 1431, SCR-2107, 2108 (November 2, 1977)). The above stipulations do 3 not appear to involve any such conflict and thus support a conclusion that the City Clerk 4 should be excluded from the Bargaining Unit. Further, because the original Certification 5 indicated that the challenge to the City Clerk was not outcome-determinative, the 6 exclusion does not affect the Union's majority status.

7

<u>Order</u>

- 8 The certification in WMAM-22-9067 and the description of the bargaining unit
- 9 contained therein shall be amended to exclude the title of City Clerk.
- 10 SO ORDERED.

COMMONWEALTH EMPLOYMENT RELATIONS BOARD

MARJORIE F. WITTNER, CHAIR

KELLY STRONG, CERB MEMBER