

Commonwealth of
Massachusetts
Department of Labor Relations

FY2017 ANNUAL REPORT



July 1, 2016 - June 30, 2017

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
OVERVIEW OF DLR SERVICES	5
1. Processing Prohibited Practice Charges	5
2. Hearings and Appeals.....	6
3. Representation Issues	6
4. Labor Dispute Mediation	7
5. Grievance Arbitration.....	8
6. Investigation, Prevention and Termination of Strikes.....	9
7. Litigation	9
8. Other Responsibilities	9
SELECTED CERB DECISIONS JULY 1, 2016 TO JUNE 30, 2017	11
SELECTED LITIGATION JULY 1, 2016 TO JUNE 30, 2017	16
STATISTICAL REPORTS	20
STAFF LIST.....	27
ADVISORY COUNCIL	28
BUDGET	29

EXECUTIVE SUMMARY

On November 14, 2007, pursuant to [Chapter 145 of the Acts of 2007](#), the Legislature reorganized the Commonwealth's neutral labor relations agencies into the Division of Labor Relations (DLR). On March 11, 2011, under Chapter 3 of the Acts of 2011, "An Act Reorganizing the Executive Office of Labor and Workforce Development," the DLR's name was changed from the Division of Labor Relations to the Department of Labor Relations.

The DLR protects employees' rights to organize and choose bargaining representation and ensure that employers and unions benefit from, and comply with, the Commonwealth's collective bargaining statutes. To carry out this mission, the DLR conducts elections, hears representation cases, investigates and hears unfair labor practice cases, resolves labor disputes through mediation and arbitration, and issues orders in cases that parties are unable to resolve through alternative dispute resolution methods. The DLR includes 1) hearing officers, arbitrators, mediators and support staff, 2) the Commonwealth Employment Relations Board (CERB), an appellate body responsible for reviewing hearing officer orders and issuing final decisions, and 3) the Joint Labor Management Committee (JLMC), a committee including labor and management representatives, which uses its procedures to encourage municipalities and their police officers and fire fighters to agree directly on terms to resolve their collective bargaining disputes or on a procedure to resolve these disputes.

As reflected in the charts found later in this report, during the past fiscal year, the DLR opened 642 new cases and closed 827 cases. The majority of those cases are unfair labor practice cases. During this past year, the DLR was able to continue improving case-processing time. The average time it takes for a case to move at each stage continued to improve. This improvement is based on the DLR's continued use of new procedures and technology to advance cases and its focus on mediation to settle cases

The inventory of case on the DLR's open docket has remained significantly below historical averages during FY 16. Currently the DLR has approximately 400 open cases at various stages of case processing, including administrative and judicial appeals. Additionally, the DLR has maintained its ability to issue timely probable cause determinations and hearing officer decisions. In FY 17, the DLR issued probable cause determinations in an average of 4.5 weeks and hearing officer decisions in an average of 18.63 weeks. With consistent funding and staffing levels, the DLR will strive to improve one these averages in the next fiscal year.

The DLR continued to use its mediation services to facilitate settlements in all case classifications. In addition to contract mediation, grievance mediation and traditional unfair labor practice mediation, mediators continue to provide expedited mandatory mediation services in all Level I cases. The DLR's continued use of mediation facilitates the parties' relationships and provides significant cost-savings to them. During this past fiscal year, DLR mediators conducted 133 contract mediations, 6 grievance mediations and 155 unfair labor practice mediation sessions.

During the past fiscal year, the CERB published 9 Hearing Officer Appeal decisions; one representation decision, and decided 13 requests for review of Investigator pre-hearing dismissals.

During the past fiscal year, there were 68 JLMC cases filed. The DLR mediators, working under the JLMC's oversight, conducted 125 contract mediations. The JLMC conducted 11 Section 3(a) hearings.

The DLR offers a myriad of services to accomplish its mission, including those listed below.

- Processing Prohibited Practice Charges
- Representation Petitions and Elections
- Written Majority Authorization Petitions
- Unit Clarification Petitions
- Interest Mediation
- Mediation of Prohibited Practice Charges
- Grievance Mediation
- Grievance Arbitration
- Investigation, Prevention and Termination of Strikes
- Litigation

In FY 2017 the DLR continued using technological advances to provide better service to our stakeholders. In this regard, the DLR improved its new web based public documents system. This system gives the public and stakeholders the ability to perform limited searches of the DLR's case management system and retrieve the most frequently request public documents such as charges/petitions, probable cause determinations, briefs and decision. Annual union financial and organizational filings and union certification by employer are also available through the DLR Public Record Search System. FY 2017 improvements also allow records search by DLR case type, within selected date ranges.

OVERVIEW OF DLR SERVICES

In order to provide prompt and fair resolution of labor disputes, the DLR provides the following services:

1. Prohibited Practice Charges Initial Processing and Investigation

The majority of DLR cases are unfair labor practice cases filed pursuant to G.L. c. 150A or G.L. c. 150E. Charges of prohibited practice may include various allegations, including for example, allegations that an employer discriminated or retaliated against an employee because the employee had engaged in activities protected by law; allegations that an employer or employee organization has failed to bargain in good faith; or allegations that an employee organization has failed to properly represent a member of the bargaining unit.

After an initial review to determine if the case is properly before the DLR and that it meets the DLR filing requirements, the Director will first determine whether the case should be deferred to the parties' own contractual grievance procedure. If the Director determines that the case is properly before the DLR, she will classify the case as a Level I or Level II case based on the case's relative impact to the public. Cases where resolution of the dispute has the greatest urgency will be processed first and the time frame for completion of the investigation will be 14 to 45 days, depending on the level of urgency. Level II cases with less urgency will be investigated between 30 and 90 days from the filing date.

At the investigation, the investigator is statutorily obligated to explore whether settlement of the charge is possible. If such discussions do not result in settlement, the investigator will proceed with the investigation. The investigator will expect the parties to present evidence from individuals with first-hand knowledge during the probable cause investigation. The intent of the probable cause in-person investigation is to have both parties present all the evidence at the investigation, and therefore, most investigations have the record closed at the end of the in-person investigation.

After the record is closed, the investigator will issue the probable cause determination, which is generally a written dismissal or a Complaint of Prohibited Practice. The investigator may also direct the charge to an alternative dispute resolution mechanism (including deferral to the parties' grievance/arbitration procedure). Cases dismissed following an investigation may be appealed to the Commonwealth Employment Relations Board (CERB). If affirmed by the Board, appeals can be made to the Massachusetts Appeals Court.

If the probable cause determination is a Complaint of Prohibited Practice, the case will be scheduled for a hearing on the merits to determine whether the respondent violated the law as alleged in the Complaint. The DLR will once again evaluate and differentiate the cases as Level I or Level II cases. Cases identified as Level I Complaint cases will be scheduled for hearing within three to six months of the Complaint, depending on the level of urgency. In addition, because the DLR mandates mediation in all Level I cases, mediation will take place before the hearing. Cases identified as Level II cases will be scheduled within six months to a year from the Complaint.

2. Hearings and Appeals

After the hearing is scheduled, before a hearing takes place, the DLR requires that the parties file a Joint Pre-Hearing Memorandum and attend a Pre-Hearing Conference in order to clarify the issues for hearing.

The prohibited practice hearing is a formal adjudicatory process. Parties to the proceedings have the right to appear in person, to examine and cross-examine witnesses, to produce evidence and otherwise support or defend the Complaint. Additionally, the sworn testimony is recorded and preserved electronically. At the close of the hearing, the parties often provide the Hearing Officer with post-hearing legal briefs. The Hearing Officer then issues a written decision, determining whether a violation of the Law has occurred. In Level I cases, generally the Hearing Officer issues the decision within three months from when the record is closed. In Level II cases, the decision generally issues within six months from the time the record is closed.

A party who disagrees with the Hearing Officer's decision can appeal to the CERB by filing a Request for Review. In most cases, both sides file briefs with the CERB in support of their respective positions. After review of the record and consideration of the issues, the CERB then issues its decision, following the general impact time frame. Once the CERB issues its decision, the decision is final and can be appealed to the Massachusetts Appeals Court.

The DLR attorneys are authorized by statute to defend the CERB decisions at the Appeals Court.

3. Representation Issues

In all cases that involve representation issues, i.e. representation (or decertification) petitions, written majority authorization petitions, and unit clarification cases, the DLR is statutorily mandated to determine an "appropriate" bargaining unit. To make that determination, the CERB considers community of interest among the employees, the employer's interest in maintaining an efficient operation, and the employees' interest (or lack thereof) in representation.

In all cases, the DLR assists and encourages the parties to reach agreement concerning an appropriate unit. In FY 17, the DLR resolved 40.9% of its representation cases through voluntary agreement over the scope of the bargaining unit. When no agreement is reached, however, a DLR hearing officer conducts a hearing after which the hearing officer issues a written decision either dismissing the petition or defining the bargaining unit and directing an election. These decisions can be appealed to the CERB but there is no court appeal.

a. Representation Petitions and Elections

The DLR conducts secret ballot elections for employees to determine whether they wish to be represented by a union. Elections are conducted whenever: 1) an employer files a petition alleging that one or more employee organizations claim to represent a substantial number of employees in a bargaining unit; 2) an employee organization files a petition accompanied by an adequate showing of

interest, alleging that a substantial number of employees wish to be represented by the petitioner; or 3) an individual files a petition accompanied by an adequate showing of interest, alleging that a substantial number of employees in the bargaining unit no longer wish to be represented by the current employee organization. Depending on the size of the unit and the relative cost, the DLR conducts elections either on location or by mail ballot.

In FY17, the DLR docketed 44 representation petitions and conducted 9 elections, involving 201 voters. A graph detailing these representation elections is available in the Case Statistic section of the Report.

b. Written Majority Authorization Petitions

On December 27, 2007 the Written Majority Authorization (“WMA” or “card check”) legislation became law. [Chapter 120 of the Acts of 2007](#). The card check law provides for an alternative to the traditional representation petition to certify an exclusive bargaining representative for unrepresented employees. The law provides that the DLR “shall certify to the parties, in writing, and the employer shall recognize as the exclusive representative for the purposes of collective bargaining of all the employees in the bargaining unit, a labor organization which has received a written majority authorization...” Therefore, a union which provides the DLR (or a designated neutral) with proof of majority support (50% plus one) of an appropriate bargaining unit will be certified by the DLR as that bargaining unit’s exclusive bargaining representative without an election. The DLR issued regulations which provide respondents with the right to file objections and challenges prior to a certification. Since the card check law requires certification within 30 days, the DLR seeks to work with the parties to expedite all WMA petitions.

In FY17, 15 written majority authorization petitions were filed. The DLR issued certifications in 8 of those petitions that were supported by 46 written majority authorization cards. A graph detailing the written majority authorization certifications issued in FY17 is available in the Statistical Reports section of the Report.

c. Unit Clarification Petitions (CAS)

A party to an existing bargaining relationship may file a petition with the DLR seeking to clarify or amend an existing bargaining unit or a DLR certification. Currently, the DLR investigates such petitions through a written investigation procedure and the CERB issues decisions resolving such cases. The information that an employer or employee organization must include in a CAS petition is specified in 456 CMR 14.04(2) and 14.03(2). An individual employee has no right to file a CAS petition. 456 CMR 14.04(2). Any CAS petition found to raise a question of representation must be dismissed and the question of representation addressed by filing a representation petition.

In FY16, the DLR received 20 CAS petitions.

4. Labor Dispute Mediation

One of the most important services offered by the DLR is labor dispute mediation in both the public and the private sectors. The DLR’s mediation services can be categorized as follows:

a. Interest Mediation

Interest mediation is contract negotiation mediation. The DLR provides mediators to assist parties from the public and private sectors who are involved in such disputes. The DLR jurisdiction extends to all public sector labor contract disputes, though contract disputes involving municipal police and fire fighters are mediated through the procedures and rules adopted by the JLMC. The DLR places a high priority on interest mediation because the prevention and prompt settlement of labor contract disputes benefits the negotiating parties, and stable labor relations benefit the local community and the Commonwealth. As such, the DLR's mediation services are one of the most cost efficient and valuable forms of local aid provided by the Commonwealth. In the event that there are prohibited practice charges pending when a DLR mediator is involved in a contract dispute, the mediator attempts to resolve the charges as part of the overall settlement. The laws the DLR enforces provide a roadmap of what occurs if negotiations breakdown. In all public sector cases, except those involving police and fire, the next step is fact finding and the DLR maintains a panel of private neutrals to provide fact-finding services. In JLMC cases, the next step is arbitration and the JLMC maintains a panel of private neutrals to provide private arbitration services.

b. Mediation of Prohibited Practice Charges

The formal mediation of prohibited practices charges is one of the most important features of the reorganization statute. Prior to the reorganization, there was no regular communication between the BCA, the JLMC and the LRC. Since the reorganization, the DLR affords the parties numerous opportunities, both formal and informal, to avail themselves of the DLR's mediation services. The DLR requires mediation of all Level 1 prohibited practice hearings.

c. Grievance Mediation

The DLR provides mediation services to parties who desire to mediate grievances arising out the collective bargaining agreement. The DLR offers grievance mediation to all parties who file for grievance arbitration. In some cases, DLR mediators assist parties on an ongoing basis to settle numerous grievances.

5. Grievance Arbitration

The DLR provides grievance arbitration services that are utilized by all sectors of the Commonwealth's labor relations community. In the past fiscal year, the DLR has received grievance arbitration petitions from a variety of employer and employee representatives involving state, county and municipal government, including police departments, fire departments, public works departments and school departments. Many of the disputes are settled before a hearing is held. If the disputes are not settled, then DLR arbitrators hold evidentiary hearings, hear arguments and accept briefs. After the close of the hearing and submission of briefs, if any, the DLR arbitrator issues an award.

6. Investigation, Prevention and Termination of Strikes

Strikes by public employees in Massachusetts are illegal. G.L. c. 150E, § 9A. When a public employer believes that a strike has occurred or is imminent, the employer may file a petition with the DLR for an investigation. The DLR immediately schedules an investigation of the allegations contained in the petition and the CERB decides whether an unlawful strike has occurred or is about to occur. If the CERB finds unlawful strike activity, the CERB issues a decision directing the striking employees to return to work. The CERB may issue additional orders designed to help the parties resolve the underlying dispute. Most strikes end after issuance of the CERB's order, but judicial enforcement of the order sometimes necessitates Superior Court litigation. Such litigation can result in court-imposed sanctions against strikers and/or their unions.

7. Litigation

As noted above, parties in prohibited practice cases issued by the DLR may appeal the final decision of the Commonwealth Employment Relations Board to the Massachusetts Appeals Court. In those cases, in addition to serving as the lower court—responsible for assembling and transmitting the record for appellate review—the CERB is the appellee and the DLR's Chief Counsel defends the CERB decision on appeal. Although a rare occurrence, M.G.L. c.150E also authorizes the DLR to seek judicial enforcement of its final orders in the Appeals Court or of its interim orders in strike cases in Superior Court. DLR attorneys represent the DLR and the CERB in all litigation activities.

8. Other Responsibilities

a. Requests for Binding Arbitration (RBA)

A party to a collective bargaining agreement that does not contain a grievance procedure culminating in final and binding arbitration may petition the DLR to order grievance arbitration. These "Requests for Binding Arbitration" (RBA) are processed quickly by the DLR to assist the parties to resolve their grievances.

b. Information on Employee Organizations

Pursuant to M.G.L. c. 150E, §§ 13 and 14, the DLR maintains files on employee organizations. Those files include: the name and address of current officers, an address where notices can be sent, date of organization, date of certification, and expiration date of signed agreements. Every employee organization is also required to file an annual report with the DLR containing: the aims and objectives of such organization, the scale of dues, initiation fees, fines and assessments to be charged to the members, and the annual salaries to its officers. Although M.G.L. c. 150E authorizes the DLR to enforce these annual filings by commencing an action in the Superior Court, the DLR's current resources prohibit such action. Instead, by regulation, the DLR employs various internal case-processing incentives to ensure compliance with the filing requirements.

c. Constituent Outreach

In an effort to foster better labor relations, the DLR is always willing to make presentations before assembled labor and/or management representatives in order to speak about the latest developments at the DLR. For instance, each spring, the Director, the CERB and the DLR's Chief Counsel participate in the planning and presentation of the Annual Workshop for Public Sector Labor Relations Specialists sponsored by the Labor & Employment Law Section of the Boston Bar Association. Additionally, throughout the year, the DLR makes formal and informal presentations before various bar associations, union meetings, and employer association groups.

**Selected Decisions and Rulings of the Commonwealth Employment Relations Board
(CERB)
July 1, 2016 – June 30, 2017**

Unfair Labor Practices

Sections 10(a)(3) and 10(a)(4) of M.G.L. c. 150E (the Law)

Board of Higher Education, Bridgewater State University and Jon L. Bryan, 43 MLC 148, SUP-14-3771 (November 30, 2016).

The issue in this case was whether the acts or omissions of the Board of Higher Education/Bridgewater State University (University) in connection with the efforts of Professor Jon Bryan (Bryan) to be reimbursed for certain hotel expenses and to get a teaching schedule that allowed him to teach on consecutive days were part of an overall scheme to retaliate against Bryan for engaging in concerted activities in violation of Section 10(a)(3) and, derivatively, Section 10(a)(1) of the Law. The Hearing Officer dismissed the Complaint, concluding that Bryan had failed to establish that the delay in the reimbursement was unlawfully motivated. The Hearing Officer further found that the University's rejection of Bryan's proposed teaching schedule did not constitute an adverse action and that Bryan had failed to establish any unlawful motivation.

Bryan appealed, arguing that the Hearing Officer had made numerous errors of fact and law. The CERB affirmed the dismissal of the Complaint. It held that the fact that the University's conduct could be fairly characterized as flawed in some way constituted neither direct nor circumstantial evidence of unlawful motivation, where there was no evidence showing that Bryan was treated differently than other similarly-situated employees or that any of the University's agents bore any hostility towards Bryan's protected, concerted activity or towards union activity in general.

Judicial Appeal: Pending.

Section 10(a)(5)

Unilateral Change Allegations

Impasse

Everett School Committee and Everett Teachers Association, 43 MLC 55, MUP-09-5665 (August 31, 2016).

The CERB affirmed a Hearing Officer decision holding that the Everett School Committee did not violate Section 10(a)(5) and, derivatively, Section 10(a)(1) of the Law when it laid off ten clinical therapists and transferred their work to an outside contractor. The Hearing Officer found that the School Committee had a duty to bargain over the decision and impacts of its decision but dismissed the complaint based on her finding that the parties had bargained in good faith to impasse.

On appeal, the Union argued that the School Committee had bargained in bad faith by making up its mind about the layoff before offering to bargain, engaging in surface bargaining and limiting its bargaining to impacts only. The CERB rejected all arguments based on evidence showing that the School Committee was able to move monies around within its budget even after it voted to eliminate the therapist positions from the School Committee budget. Because the CERB found that the School Committee had acknowledged its full bargaining obligation and repeatedly asked the Union for a suggestion or counterproposal for cost-savings alternatives to eliminating the positions, but that the Union had not provided any, it affirmed the Hearing Officer's conclusion that the parties had negotiated over the layoffs to a good faith impasse.

Judicial Appeal: None.

City of Worcester and NAGE, 43 MLC 227, MUP-14-3596 (April 25, 2017).

The issue before the Hearing Officer was whether the City violated Section 10(a)(5) of the Law by unilaterally transferring bargaining unit work, specifically cleaning duties at the City's Main Library, to a private janitorial service. The Hearing Officer found a violation and rejected the City's claims that the Union had waived contractually its right to bargain or, in the alternative, that the parties had bargained to resolution over the issue. The Hearing Officer found that because the City told the Union that it was going to provide cleaning services at the Main Library by "supplementing its workforce," and the parties had different interpretations of the term "supplement," they had not reached a meeting of the minds with respect to the transfer issue such that the City was justified in implementing the transfer. To remedy the violation, the Hearing Officer ordered the City to refrain from renewing the contract with the private contractor and from entering into any similar contract until the City satisfied its obligation to bargain over the decision and the impacts of its decision to transfer bargaining unit work.

The City appealed, arguing that the Hearing Officer erred when she credited the testimony of the Union president as to his understanding of the term "supplement" and declined to rely on bargaining notes. The City also challenged the remedy. The CERB declined to disturb the Hearing Officer's credibility resolutions because the City failed to demonstrate by a preponderance of the evidence that they were incorrect. It also found that the Hearing Officer properly declined to base any findings of fact on the Union representative's notes because they were not a complete transcription of the meeting, but only his impressions and conclusions and the representative was not present to explain them. The CERB further declined to disturb the Hearing Officer's remedy and order. The City argued that certain benefits that it agreed to give the Union in connection with a reorganization of its custodial department, as set forth in a Memorandum of Understanding (MOU), were premised on the Union's agreeing to the transfer of bargaining unit work. The City therefore argued that an order to bargain over the transfer should include an order to bargain over all items on the table. The CERB declined to modify the order because the evidence did not reflect that the City had premised the MOU on the Union's agreement to transfer bargaining unit work but instead that the City had consistently treated the transfer and reorganization as two separate issues.

Judicial Appeal: None

Mandatory Subjects of Bargaining

City of Lawrence and Massachusetts Nurses Association, 43 MLC 96, MUP-14-3666 (September 21, 2016).

The CERB upheld a Hearing Officer decision holding that the City's unilateral implementation of a dress code policy and changes to parking policies change violated Section 10(a)(5) and, derivatively, Section 10(a)(1) of the Law because both changes involved mandatory subjects of bargaining. The CERB rejected the City's arguments that the changes were *de minimis*, where, among other things, it required the public health nurse to wear a tie and eliminated the ability to park for free on days when the nurse was in the field.

Judicial Appeal: None.

City of Lawrence and Firemen and Oilers, Local 3, SEIU, 43 MLC 238, MUP-14-3753 (May 26, 2017).

The CERB affirmed a Hearing Officer decision holding that the City violated Section 10(a)(5) and, derivatively, Section 10(a)(1) of the Law by implementing a new dress code and eliminating free parking without giving the Firemen and Oilers Local 3, SEIU (Union) prior notice and an opportunity to bargain. The Hearing Officer's decision was based on a recent decision that the CERB issued that arose out of the same material facts and circumstances but with respect to a different bargaining unit. City of Lawrence, 43 MLC 96, MUP-14-3666 (September 21, 2016) (Lawrence I). Because the arguments raised by the City on appeal of this case were the same as those it had raised in Lawrence I, the CERB summarily affirmed the Hearing Officer's decision in this case on the same grounds that it affirmed Lawrence I.

Judicial Appeal: Withdrawn.

Past Practice

City of Boston and Boston Police Patrolmen's Association, 43 MLC 235, MUP-15-4374 (May 25, 2017).

The CERB affirmed a Hearing Officer's decision dismissing a complaint alleging that the City of Boston had unlawfully changed a past practice of permitting union representatives to accompany bargaining unit members to fitness-for-duty physical examinations. The CERB agreed that the Union had failed to meet its burden of proving that there was a binding past practice of allowing the union representatives to attend such examinations.

Judicial Appeal: None.

Information Requests

Worcester School Committee and Educational Association of Worcester, Inc., 43 MLC 218, MUP-10-6005 (March 30, 2017).

The issue in this case was whether the School Committee violated Section 10(a)(5) of the Law by failing to give the Union's environmental expert access to four public schools to obtain caulk samples in order to test for polychlorinated biphenyl, an organic compound commonly known as PCBs. The Union had made the access request because of unit members' complaints about alleged high incidences of cancer among teachers at certain schools. The Hearing Officer concluded that the Union's interest in obtaining access to the schools to gather information that it needed to represent its unit members effectively outweighed the School Committee's interest in preventing the Union's environmental expert from taking caulk samples at its schools.

The School Committee appealed and the CERB affirmed. Preliminarily, and as a matter of first impression, the CERB ruled that an employer's duty to furnish relevant and reasonably necessary information encompasses providing access to the worksite to obtain that information. The CERB then considered the School Committee's argument that the Hearing Officer erred by concluding that the Union's access request was relevant and reasonably necessary without having first determined that PCBs posed a safety and health risk to Union members. The CERB rejected this argument on grounds that the request's relevancy and reasonable necessity was demonstrated by a number of other factors, including that the Environmental Protection Agency's (EPA) regulations required removal of caulking with PCB concentrations of greater than 50 parts per million, and because Union members had approached Union staff with concerns about the cancer rates among employees in one of the schools the Union sought to test. That the Union may have already obtained its own caulking samples did not change this result because the School Committee did not accept the validity of those samples. The CERB also rejected the School Committee's arguments that the Union's "unclean hands" prevented a finding for the Union. The CERB agreed with the Hearing Officer that the record did not support a finding that the Union had acted in bad faith or, alternatively, demonstrate that the Union's purported bad faith either precipitated the School Committee's decision to deny the Union access or prevented it from granting the request.

Judicial Appeal: None.

Section 10(b)(1)

Agency Service Fee

Mahar Teachers Association and Michael Magee, 43 MLC 205, ASF-14-3675, MUPL-14-3671 (February 28, 2017).

The CERB upheld a Hearing Officer decision holding that the Mahar Teachers Association (Association) did not violate Section 12 and Section 10(b)(1) of the Law when it demanded an agency service fee (ASF) from fee payer Michael Magee (Magee). Specifically, the Association, an affiliate of a state and a national union, demanded a service fee that was comprised of amounts payable to the state and national unions. However, no portion of the service fee was payable to the Association for expenses that it incurred as the exclusive bargaining representative. The Hearing Officer held that although the Law authorized the Union to demand a service fee, it did not compel it to do so or dictate how the Association should apportion the fee.

Magee challenged this conclusion on appeal, claiming that the plain language of Section 12 of the Law, as well as the collective bargaining agreement's (CBA) agency service provision, which set the amount of the fee at 100% of Association dues, did not permit the union to seek less than the full amount of the service fee or membership dues to which it was entitled. The CERB declined to interpret Section 12 in this manner, due to constitutional requirements that prohibit an employee organization from assessing a service fee in excess of an employee's proportional share of collective bargaining, contract administration and grievance expenses. As to the alleged CBA violation, the CERB relied on Gloucester Teachers Association, 6 MLC 1739, MUPL-2128 (January 11, 1980), which held that not every imperfection in the administration of an agency service provision constitutes a prohibited practice. Under Gloucester, the CERB first considered whether the Association's demand was invalid under the Law, and second, whether the Union's administration of the service fee contract provision was arbitrary, capricious or unlawfully motivated in violation of Section 10(b)(1) of the Law. The CERB answered both questions in the negative and dismissed the Complaint.

Judicial Appeal: Pending

Published Rulings

Motion to Dismiss on Pleadings – Interlocutory Appeal

SEIU, Local 888 and City of Lawrence, 43 MLC 243, MUPL-16-5631 (May 30, 2017).

The CERB concluded that a Hearing Officer did not abuse her discretion when she denied the City's Motion for Judgement on the Pleadings (Motion). In its Motion, the City argued that certain findings that a DLR Investigator made in a letter dismissing a separate but related charge that the Union filed against the City in Case No. MUP-16-5649 proved the allegations contained in the Complaint in MUPL-16-5631, i.e., that the Union had violated Section 10(b)(2) of the Law by failing to support funding for a successor CBA to which the parties had agreed. The Hearing Officer denied the Motion on two grounds: 1) that the Union's answer to the Complaint denied that the parties had agreed to a successor agreement, thereby creating a material dispute of fact; and 2) the facts that the parties may have presented in the investigation in Case No. MUP-16-5649 were not properly before her because she was required to base her decision upon the evidence that the parties introduced at hearing in Case No. MUPL-16-5631, unless the parties agreed otherwise by stipulation or admission.

The City filed an interlocutory appeal of the ruling. The CERB affirmed based upon the different procedures and burdens of proof applicable to the investigative and hearing phases of the DLR's processing of unfair labor practice charges contained in Section 11 of the Law and related sections of the DLR's regulations. The CERB concluded that granting the City's Motion based on the Investigator's findings in Case No. MUP-16-5649 would effectively nullify the City's heavier burden of proving the disputed allegations contained in the Complaint in Case No MUPL-16-5631 by a preponderance of the evidence. Because this would contravene the applicable statutory and regulatory scheme, the CERB concluded that the Hearing Officer did not abuse her discretion by denying the Employer's Motion. The CERB further held that the doctrine of collateral estoppel did not compel a different result because exceptions to the doctrine of collateral estoppel were rooted in similar distinctions.

Judicial Appeal: N/A

**Selected Litigation
July 1, 2016 – June 30, 2017**

I. SUPERIOR COURT LITIGATION

1. Michael Magee v. Commonwealth Employment Relations Board No. 1778 CV 00021, Franklin Superior Court

In the matter before the Department of Labor Relations (Department or DLR), Mahar Teachers Association and Michael Magee, MUPL-14-3671, the Commonwealth Employment Relations Board (Board or CERB) affirmed a hearing officer's decision to dismiss a complaint alleging that alleging that the Mahar Teachers Association (Association) had violated G.L. c. 150E, §§ 12 and 10(b)(1) by demanding that Magee pay agency service fees to the Massachusetts Teachers Association and the National Education Association when the Association did not demand that Magee also pay a service fee to the Association and where the service fee provision of the collective bargaining agreement between Ralph C. Mahar Regional School Committee and the Association only provides for payment of a service fee to the Association. Mahar Teachers Association and Michael Magee, 43 MLC 205 ASF 14-3675, MUPL-14-3671.

On March 2, 2017, Magee filed a Notice of Appeal of the Board's decision at the DLR. On April 12, 2017 Magee served the Board with a complaint for an "Appeal from Administrative Agency" filed in Franklin Superior Court pursuant to G.L. c. 30A, §14.

The Board filed a Motion to Dismiss Pursuant to Superior Court Rule 9E arguing that the Superior Court does not have jurisdiction over the subject matter and the Plaintiff failed to state a claim upon which relief can be granted by the Superior Court because G.L. c 150E only the Appeals Court may do so. The Board also moved the Court to decide the matter on the papers. After requiring an appearance, the Court allowed the Board's motion on **June 7, 2017**.

II. CHRONOLOGICAL LIST OF SJC AND APPEALS COURT DECISIONS OF APPEALS OF BOARD DECISIONS FROM July 1, 2016 TO June 30, 2017

1. City of New Bedford v. Commonwealth Employment Relations Board, (unpublished opinion) 90 Mass. App. Ct. 1103 (August 26, 2016) fur. rev. den'd., 476 Mass. 1106 (**November 30, 2016**)

DLR Case City of New Bedford and AFSCME, 38 MLC 239, MUP-09-5581, MUP-09-5599 (April 3, 2012)

In a lengthy summary decision issued pursuant to Mass. R. App. Proc. 1:28, the Appeals Court affirmed the CERB's decision affirming in relevant part a Hearing Officer decision which included several findings. City of New Bedford, 38 MLC 117, MUP-09-5581, MUP-09-5599 (November 17, 2011). First, the City of New Bedford's (City) decision to close its offices for a half day per week was a level of services decision within its exclusive managerial prerogative and, therefore, did not require bargaining with the Union. The decision to implement the closures by furloughs while maintaining the same number of employees, however, was a separate and distinct decision not within the City's exclusive managerial prerogative. The Court agreed with the CERB that there were multiple means of implementing the reduction in services "including voluntary or involuntary reduction in hours, attrition

or otherwise.” Thus, when the City instituted furloughs without bargaining, it violated G.L. c. 150E, §10(a)(5) and, derivatively, §10(a)(1).

Where the Union was not given a meaningful opportunity to bargain because the City presented the Union with a fait accompli there was substantial evidence demonstrating that the City did not meet its bargaining obligation. Further, finding the Board’s rule reasonable and entitled to deference, the Court also affirmed the CERB’s precedent and holding that the defense of waiver by inaction cannot succeed when an employer improperly limits bargaining to impact bargaining.

The Court also affirmed the Board’s rule that under G.L. c. 150E, § 9, the duty to refrain from making unilateral changes encompassed the furloughs because the prohibition in that section applies equally to contractual and non-contractual terms and conditions of employment addressed in successor negotiations.

The Court also recognized the Board’s precedent establishing the elements an employer must establish to succeed with the affirmative defense of economic exigency: 1) circumstances beyond the City’s control required the imposition of a deadline for negotiations; 2) the Union was notified of those circumstances and the deadline; and 3) the deadline imposed was reasonable and necessary and affirmed the Board’s decision that the City failed to meet its burden.

2. Secretary of A&F v. Commonwealth Employment Relations Board 477 Mass. 92 (2017)

Commonwealth and COPS 41 MLC 101 SUP-10-5593 (5/12/2014)

On May 12, 2017, granting the appeal of the Commonwealth of Mass./Secretary of Administration and Finance (Secretary), the SJC issued a decision that vacated the decision of the Board. The Board found that the Commonwealth acting through the statutory employer, the Secretary, violated its duty to bargain in good faith required by G.L. c. 150E, § 6 when the Secretary failed to take all the steps necessary to secure funding for its collective bargaining agreement with the union. In vacating the Board’s decision, the SJC overturned the Board’s 40 year precedent interpreting G.L. c. 150E, §§ 6 and 7(b) that good faith bargaining requires a public employer to unconditionally seek funding from the funding body for the cost items of the collective bargaining agreement. Consequently, there is no longer a requirement that the public employer do more than submit the request for funding, and may include pertinent information concerning fiscal and public policy matters with the submission.

3. Justin B. Chase and another v. Commonwealth Employment Relations Board Appeals Court No. 2015-J-0203.

Before the single justice Chase filed a motion to compel the Department to assemble the record. The Board filed an opposition. On **June 2, 2017** Chase’s Motion to Compel was allowed.

4. Justin B. Chase v. Commonwealth Employment Relations Board 92 Mass. App. Ct. 1105 (2017)

Chase appealed to the Appeals Court the Board’s ruling regarding a motion for clarification of the Board’s order and remedy in a prohibited practice matter decided in May 2012 and affirmed by the Appeals Court. Chase and AFSCME, 38 MLC 280, MUPL-07-4581 (2012) aff’d sub nom. Chase v. Commonwealth Employment Relations Bd., 88 Mass. App. Ct. 1103 (2014) fur. rev. den’d 473 Mass. 1104 (2015). After briefing and oral argument, the Court issued a decision pursuant to Mass. R. App. Proc. 1:28 affirming the Board’s ruling on **September 25, 2017**. (Note, through the

course of this litigation, before briefing, the Board also filed a motion to dismiss the appeal which was denied.)

III. CASES DISPOSED AFTER BRIEFS FILED, RECORD ASSEMBLY FILED, OR OTHERWISE SETTLED

A. APPEAL OF HEARING OFFICER DECISIONS:

1. Town of Plymouth v. Commonwealth Employment Relations Board, Appeals Court No. 2015-P-1051

DLR Case AFSCME and Town of Plymouth, 40 MLC 179, MUP-06-4814 (December 30, 2013)
Board affirmed Hearing Officer decision. Voluntary dismissal after briefs filed. **7/22/2016**

2. Town of Plymouth v. Commonwealth Employment Relations Board 2015-P-1237

DLR Case AFSCME and Town of Plymouth, 39 MLC 25, MUP-07-4903 (August 13, 2012)
Board affirmed Hearing Officer. Voluntary dismissal after briefs filed. **7/27/2016**

3. Town of Hudson v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Hudson Superior Officers and Town of Hudson, 41 MLC 24, MUP-13-3223 (July 24, 2014)

Board affirm Hearing Officer. Town appealed. Appeal withdrawn by appellant after notice that the record was assembled and filed with the Court. **7/28/2016**

4. Worcester v. Commonwealth Employment Relations Board (appeals court)

DLR Case Worcester and NAGE 40 MLC 87 (9/19/2013) MUP-08-5304

Board reversed Hearing Officer. Appeal withdrawn by City appellant after notice that the record was assembled and filed with the Court. **10/27/16**

5. Newton and Newton Firefighter Union, 42 MLC 181 MUP-12-2102 (1/29/16)

Board affirm Hearing Officer Decision. Appeal withdrawn by Town appellant. **11/22/16**

6. Town of Cohasset v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Cohasset Permanent Firefighters Local 2804 and Town of Cohasset, 41 MLC 2016, MUP-12-1495 (1/30/ 2015)

Board affirmed Hearing Officer. Appeal withdrawn by appellant after notice that the record was assembled and filed with the Court. **3/31/2017**

7. Somerville v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Somerville and Somerville Teachers Assoc. et al. 40 MLC 433 (6/27/2014) MUP-11-6202, 6225, 6226 , 6233, 6241

Appeal of Board's decision in the first instance.

Appeal withdrawn by City appellant after notice that the record was assembled and filed with the Court. **5/2017**

B. APPEAL OF PROBABLE CAUSE DISMISSAL:

1. Zulfiquar Syed v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Zulfiquar Syed and NAGE, SUPL-11-3099 (August 20, 2013) (unpublished)

Appeal dismissed by DLR for lack of prosecution after notice that the record was assembled and filed with the Court. **9/19/2016**

2. Aromando v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Aromando and Commonwealth of Mass., SUP-14-3426 (August 22, 2014) (unpublished)

Appeal dismissed by DLR for lack of prosecution after notice that the record was assembled and filed with the Court. **9/19/2016**

3. United Municipal Employees Association v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case United Municipal Employees and West Springfield, MUP-13-3281 (June 30, 2014) (unpublished)

Appeal withdrawn by appellant after notice that the record was assembled and filed with the Court. **9/20/2016**

4. Malden Patrolmen's Association v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Malden and Malden Patrolmen's Assoc. MUP-14-4180 Board affirm partial probable cause dismissal. (unpublished)

Appeal withdrawn by appellant after notice that the record was assembled and filed with the Court. **3/31/17**

5. Natick Patrol Officers Association v. Commonwealth Employment Relations Board (Appeals Court)

DLR Case Natick Patrol Officers Assoc. and Natick MUP-15-4244 Board affirm probable cause dismissal. (unpublished)

Appeal withdrawn by stipulation of dismissal by both parties after notice that the record was assembled and filed with the Court. **5/5/17**

DEPARTMENT OF LABOR RELATIONS

FY2017 CASES RECEIVED

JULY 1, 2016 – JUNE 30, 2017

MONTHLY BY CASE TYPE WITH TOTALS AND AVERAGES

CASES OPENED															
CASETYPE	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG	% YTD
Unfair Labor Practice	31	45	31	41	26	27	50	45	32	29	40	29	426	35.50	60.86%
Representation Cases	5	5	6	3	1	3	9	0	3	3	3	3	44	3.67	6.29%
Unit Clarification (CAS)	1	3	0	2	3	1	5	1	1	1	1	1	20	1.67	2.86%
Other (SI, AO, RBA)	0		0	0	0	0		0			0	0	0	0.00	0.00%
Grievance Arbitration	8	3	4	3	7	7	1	9	6	7	2	6	63	5.25	9.00%
Grievance Mediation	1	1	0	1	1	1	2	0	1	0	1	1	10	0.83	1.43%
Contract Mediation	3	3	5	4	7	5	7	6	9	4	5	11	69	5.75	9.86%
JLMC	7	2	7	10	5	5	7	7	8	3	5	2	68	5.67	9.71%
TOTAL	56	62	53	64	50	49	81	68	60	47	57	53	700	58.82	100.00%

DEPARTMENT OF LABOR RELATIONS
FY2017 CASES CLOSED
 JULY 1, 2016 – JUNE 30, 2017
 MONTHLY BY CASE TYPE WITH TOTALS AND AVERAGES

CASES CLOSED															
CASE TYPE	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG	%YTD
Unfair Labor Practice	29	37	43	34	22	32	38	24	33	28	54	30	404	33.67	60.84%
Representation Cases	1	5	4	6	10	1		1	2	2	4	9	45	4.09	6.78%
Unit Clarification (CAS)	1	3	1	1	2	2		1	2	4	2	1	20	1.82	3.01%
Other (SI, AO, RBA)	0		0	0	0	0		0		0	0	0	0	0.00	0.00%
Grievance Arbitration	8	5	3	4	9	1	10	5	6	2	5	5	63	5.25	9.49%
Grievance Mediation	0		0	1	0	0	3	0	2	0	0	0	6	0.55	0.90%
Contract Mediation	4	6	6	10	3	3	10	4	2	8	7	14	77	6.42	11.60%
JLMC	2	4	7	3	4	3	6	2	1	3	13	1	49	4.08	7.38%
TOTAL	45	60	64	59	50	42	67	37	48	47	85	60	664	55.87	100.00%

DEPARTMENT OF LABOR RELATIONS
FY2017 CASE PROCESSING DATA
 JULY 1, 2016 – JUNE 30, 2017
 MONTHLY WITH TOTALS AND AVERAGES

PROBABLE CAUSE	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG
Investigations Held	11	7	7	20	20	14	20	16	17	12	11	20	175	14.58
			0			0						0	0	0.00
Dismissals Issued	7	1	2	4	1	5	4	4	2	2	8	3	43	3.58
Complaints Issued	3	8	11	1	12	14	9	18	13	11	11	9	120	10.00
Total Probable Cause	10	9	13	5	13	19	13	22	15	13	19	12	163	13.58
Avg. # Wks Invest. To PC	6.45	2.00	5.30	5.86	2.64	3.47	4.09	4.54	3.97	6.33	2.16	10.15	56.96	4.75
HEARINGS	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG
Pre-Hearing Conferences Held	2	8	3	7	7	4	4	5	5	5	6	2	58	4.83
Hearings Held	1	1	1	2	5	0	1	1	2	6	6	2	28	2.33
Misc. Rulings/R-Case Dec./CAS Dec.	0		0	0	1	1	1	1	1	0	0	0	5	0.45
HO Decisions Issued	2	1	6	2	0	0	1	4	0	0	0	1	17	1.42
Avg. # Wks Ripe to HO Dec.	34.90	95.10	16.70	27.00	0.00	0.00	25.00	22.18	0.00	0.00	0.00	2.70	223.58	18.63

DEPARTMENT OF LABOR RELATIONS
FY2017 CASE PROCESSING DATA
 JULY 1, 2016 – JUNE 30, 2017
 MONTHLY WITH TOTALS AND AVERAGES

CERB	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG
Admin. Appeals Filed - PC	1	1	2	1	1	2	1	1	1	2	1	4	18	1.50
Admin. Appeals Filed - HO Dec.	4	0	0	3	0	0	1	0	1	0	1	0	10	0.83
PC Decision Issued & Remands	1	2	1	1	1	0	2	1	1	1	0	2	13	1.08
HO Appeal Decision Issued	0	1	1	0	1	0		2	1	1	2	0	9	0.82
CERB Dec. 1st Inst. RCase or CAS Dec.	0	1	0	0	0	0		0	0	0	0	0	1	0.09
Misc. Rulings	1	0	0	1	0	1		0	0	0	1	1	5	0.45
Avg. # Wks to Issue PC Decision	10.20	11.60	12.30	14.00	9.10	0.00	22.28	12.10	13.10	6.28		14.57	125.53	11.41
Avg. # Wks Ripe to HO App. Dec.	0.00	14.30	8.30	0.00	17.00	0.00	0.00	32.57	28.80	23.57	21.05	0.00	145.59	12.13
MEDIATION & ARBITRATION	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG
Arbitrations Held	1	0	0	2	0	0	2	0	2	1	2	3	13	1.08
Arbitration Decision Issued	4	3	3	0	3	0	1	0	4	0	2	2	22	1.83
Grievance Mediations Held	0	0	0	1	0	0	2	1	2	0	0	0	6	0.50
Contract Mediations Held	9	10	13	19	7	11	10	5	9	10	22	8	133	11.08
ULP Mediations Held	8	17	25	16	15	12	19	12	9	9	7	6	155	12.92
Avg. # Wks Initial Contract Invest./Mediation to Close	47.29	36.48	18.23	9.50	45.58	32.15	21.69	31.25	56.72	17.21	27.63	13.61	357.34	29.78
Avg. # Wks Ripe to Arbitration Decision	16.43	20.50	15.40	0.00	14.30	0.00	17.20	0.00	2.90	0.00	4.49	9.30	100.52	8.38

DEPARTMENT OF LABOR RELATIONS
FY2017 CASE PROCESSING DATA
 JULY 1, 2016 – JUNE 30, 2017
 MONTHLY WITH TOTALS AND AVERAGES

JLMC	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG
Contract Mediations Held	6	9	11	14	18	10	9	12	15	1	13	7	125	10.73
3A Hearings Held	1	0	0	1	2	1	0	0	2	2	2	0	11	1.00
Tentative Agreements Ratified	1	1		2	1		1	2	0	0	0	0	8	0.89
Arbitration Awards Issued	0	0	0	1	1	2		1	0	0	0	0	5	0.50
Avg. # Wks Initial Investigaiton/Mediation to TA	16.43	89.14	29.05	31.00	18.28	12.86	2.85	70.00	0.00	0.00	36.00	21.25	326.86	27.78
Avg. # Wks Initial Investigaiton/Mediation to Arb. Award	0.00	0.00	0.00	134.80	112.10	87.65	0.00	83.80	0.00	0.00	0.00	0.00	418.35	38.03
		0.00												
JUDICIAL APPEALS	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUN.	TOTAL	AVG
Probable Cause Appeals Filed	0	0	0		0	0	0	2	0	0	1	0	3	0.30
CERB-HO Decision Appeals Filed	0	0	0		0	0	0	0	2	0	1	1	4	0.30
Records Assembled	1	0	1	0	1	0	4	0	1	0	3	0	11	1.00
Avg. # Wks Ripe to Rec. Assembled	49.00	0.00	74.14	0.00	91.71	0.00	131.28	0.00	97.20	0.00	124.90	0.00	568.23	51.66

FY 2017 REPRESENTATION ELECTIONS*
(EXCLUSIVE OF WRITTEN MAJORITY AUTHORIZATION PETITIONS)

Unit Size	MUNICIPAL		STATE		PRIVATE		TOTAL	
	No. of Elections	No. of Voters	No. of Elections	No. of Voters	No. of Elections	No. of Voters	No. of Elections	No. of Voters
<10	5	22					5	22
10-24	1	10					1	10
25-49	2	69	1	36			3	105
50-74	1	64					1	64
75-99								
100-149								
150-199								
200-499								
> 500								
Total	9	165	1	36			10	201

* NOTE: In FY 2017, parties filed 29 Representation petitions. The above chart contains information only on elections conducted by the DLR in FY2017.

**FY 2017
WRITTEN MAJORITY AUTHORIZATION
CERTIFICATIONS***

Size of Unit	Municipal		State		Private		Total	
	CERTS	CARDS	CERTS	CARDS	CERTS	CARDS	CERTS	CARDS
Under 10	8	46					8	46
10-24								
25-49								
50-74								
75-99								
100-149								
150-199								
200-499								
Above 500								
TOTAL	8	46					8	46

* Note: The number of certifications represents the number of petitions filed that resulted in the Department issuance of a certification. In FY 2017 a total of 15 written majority authorization petitions were filed. The DLR did not issue a certification in 7 cases either because the DLR dismissed the petition or the petitioner withdrew the petition.

DEPARTMENT OF LABOR RELATIONS STAFF LIST

EMPLOYEES, FUNCTIONAL TITLES AND PAYROLL TITLES

Last Name	First Name	Functional Title	Payroll Title	FTE
Ackerstein	Joan	Board Member, CERB	Per Diem	
Atwater	Susan	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Bevilacqua	Heather	Mediator	Program Coordinator III	0.50
Bonner	Kerry	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Cummings	Donald	JLMC Staff Rep./Labor	Program Coordinator III	0.50
Davis	Kendrah	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Driscoll	George	JLMC Staff Rep./Management	Program Coordinator III	0.50
Eustace	Kimberly	Program Coordinator	Program Coordinator III	1.00
Evans	Will	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Feldman	Erica	Hearing Officer/Arbitrator/Mediator	Counsel II	0.80
Gabriel	Jane	Chief Counsel	Program Manager VIII	1.00
Goodberlet	Kathleen	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Gookin	Carol	Mediator	Program Coordinator III	1.00
Griffin	Joseph	Hearing Officer/Arbitrator/Mediator	Counsel II	0.50
Hanson	John	Chair, JLMC	Per Diem	
Hatfield	Timothy	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Hubley	Joseph	JLMC Staff Rep./Labor	Program Coordinator III	0.50
Kelley	Gwenn	Collective Barg. Case Processing Spec.	Collective Barg. Elect. Spec. II	1.00
Lev	Katherine	Board Member, CERB	Per Diem	
Maldonado-Ong	Jennifer	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Morgado	Daniel	JLMC Staff Rep./Management	Program Coordinator III	0.50
Murray	Kevin	Hearing Officer/Arbitrator/Mediator	Counsel II	0.50
Siciliano	Shirley	Election Specialist	Collective Barg. Elect. Spec. II	0.40
Skibski	Sara	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Srednicki	Edward	Acting Director/Executive Secretary	Administrator IX	1.00
Sullivan	Margaret	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Sunkenberg	James	Hearing Officer/Arbitrator/Mediator	Counsel II	1.00
Wittner	Marjorie	Chair, CERB	Administrator IX	1.00

DLR ADVISORY COUNCIL

There shall be an advisory council to advise the DLR concerning policies, practices, and specific actions that the DLR might implement to better discharge its labor relations duties. [Chapter 145 of the Acts of 2007](#).

DLR Advisory Council Membership

Labor

Kathrine Shea, Esq.	Pyle, Rome, Ehrenberg, PC
Brian McMahon	Executive Vice President, NEPBA
Sheryl Pace-Webb	National Association of Government Employees (NAGE)
John Mann	National Association of Government Employees (NAGE)

Management

Nicholas Anastasopoulos, Esq.	Mirick, O'Connell, DeMallie & Lougee, LLP
Denise Casey	Assistant Town Manager, Town of Wilmington
Jodi Ross	Town Manager, Town of Westford
John Marra	General Counsel, Human Resources Division

At-Large

Jay Siegel	Arbitrator
William Hayward	Arbitrator
David Lucchino	Co-Founder/ CEO Frequency Therapeutics

DEPARTMENT OF LABOR RELATIONS
FY17 BUDGET

**DLR FY 2017 EXPENDITURES
BY APROPRIATION**

Appropriation	7003-0900	7003-0901	7003-0902
Total Expenditures by Appropriation	\$2,018,781,	\$22,886	\$125,000

**DLR FY 2017 EXPENDITURES
BY OBJECT CLASS ALL APROPRIATIONS**

Object Class	Description	Amount Expended
AA	Employee Compensation	\$1,897,419
BB	Employee Travel Reimbursement	\$23,299
DD	Medicare, Unemployment, Univ. Health, Workers Comp.	\$31,497
EE	Administrative Expenses	\$29,600
FF	Facility Operational Expenses	\$141,881
GG	Space Rental	\$7,277
HH	Consultant Service Contracts	\$0
JJ	Programmatic Operational Services	\$7,304
KK	Equipment Purchases	\$0
LL	Equip. Lease, Maintenance, Repair Expenses	\$6,950
NN	Infrastructure	0
UU	Information Technology	\$21,438
Total Expended		\$2,166,666