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THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

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January 15, 2020

Ferruccio Romeo

[REDACTED]
Saugus, MA 01906

Re: MUP-20-7789, Town of Winthrop

Dear Mr. Romeo:

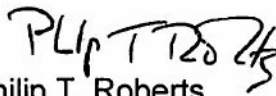
On January 10, 2020, you filed a charge of prohibited practice with the Department of Labor Relations (DLR) alleging that the Town of Winthrop (Town) had violated Section 10(a)(5) and, derivatively, 10(a)(1) of M.G.L. c.150E (the Law). The DLR has reviewed and docketed the charge. The DLR has not directed an investigation into the charge because you, as an individual, may not have legal standing to file it.

You alleged in your charge that "the Town has committed a prohibited practice as defined under the Law, both regarding conducting a shift bid for sergeants only and for unilaterally altering the method of calculating seniority which is contrary to the express language of the Collective Bargaining Agreement without notice and an opportunity to bargain." Your charge appears to only allege that the Town failed to bargain in good faith with MCOP Local 421, AFL-CIO.

Individual employees do not have legal standing to claim that an employer has failed to bargain by unilaterally changing terms and conditions of employment or repudiating a collective bargaining agreement. The union and the employer are the only entities that can bring bad faith bargaining charges, because they are the only parties in the bargaining relationship. Individual employees have no standing to file a charge against an employer for failing to bargain in good faith because the employee is not a party to the bargaining relationship. Quincy City Employees Union, H.L.P.E., 15 MLC 1340, 1355 (1989), aff'd sub. nom. Pattison v. Labor Relations Commission, 309 Mass. App. Ct. 9 (1991), further rev. den'd, 409 Mass. 1104 (1991).

Consequently, you must show cause in writing why the DLR should not dismiss your charge with prejudice without an investigation. Any show cause response that you may wish to submit must be efiled to the DLR at efile.DLR@mass.gov by the close of business on January 24, 2020. If you do not efile a show cause response on or before January 24, 2020, the DLR will dismiss this charge with prejudice without an investigation.

Very truly yours,
DEPARTMENT OF LABOR RELATIONS


Philip T. Roberts
Director

CC: Howard Greenspan, Esq.
Austin Faison