



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
CHARGE OF PROHIBITED PRACTICE
M.G.L. c.150E

DO NOT WRITE IN THIS SPACE

Case No.

Date Filed

MUP-19-7261 04-11-19

INSTRUCTIONS: Answer all applicable questions. Failing to provide information may result in the dismissal of the charge.

Note: Pursuant to 455 CMR 15.04, the DLR will not issue a complaint unless the charging party has complied with the applicable provisions of M.G.L. c.150E, §§13 and 14.

1. Employer Town of Winthrop	2. Representative to contact Austin Faison	4. Telephone Number (617) 846-1852
3. Address (street and No., city/town, state, and ZIP code) 1 Metcalf Square, Winthrop, MA 02152		5. Fax Number
6. Employee Organization (if any): Massachusetts Coalition of Police	7. Representative to contact Scott Hovsepian	9. Telephone Number (508) 581-9336
8. Address (street and No., city/town, state, and ZIP code) P.O. Box 768, Millbury, MA 01527		10. Fax Number (508) 581-9564

11. This charge is filed against (check one)



Employer



Employee Organization

12. The above named employer or employee organization has engaged or is engaging in a prohibited practice within the meaning of Massachusetts General Law, Chapter 150E, Section(s) (enter all appropriate sections/subsections)

Section 10(a)(5) and, derivatively, Section 10(a)(1) of the Massachusetts General Laws Chapter 150E

Failing to specify an appropriate section/subsection may result in the dismissal of the charge.

13. Summary of basis of Charge (be specific as to names, dates, addresses, etc.)

On April 3, 2019, a "Notice of Special Meeting" was issued via electronic mail by MassCOP Local 421 AFL-CIO E-Board member Sean Perrin. On April 6, 2019 a copy of this email was forwarded to me by Sgt. Arthur Hickey, Jr. since I had not been included in the original list of recipients. The email stated "Please be advised there will be a special union meeting held on Wednesday April 10, 2019 at 1630 hrs in the roll call room of the Winthrop Police Department. The purpose of this meeting is to disseminate the one year MOU proposed by the Town for review by our members. A further meeting will be called for the following Wednesday April 17, 2019 @ 1630 hrs to vote on whether or not to ratify the proposed MOU." On Wednesday April 10, I attended the union meeting and was informed that the Town has refused to bargain over a successor Collective Bargaining Agreement by Union President James Feeley. He also stated that there were no proposals solicited from the Union membership, no Ground Rules agreed upon, no contract negotiations sessions held and no written Union or Town Proposal exchanged. He stated the Town had refused to schedule any contract negotiation sessions and provided him with a Memorandum of Agreement ("MOA") for our members to vote on. The proposed MOA is to cover the period between July 1, 2018 - June 30, 2019. During the last ratification, the members were under the understanding that we would be negotiating a 3 year contract this time. The proposed MOA contains amendments and changes that would harm senior officers of the department regarding Shift Bidding and other Contractual benefits including vacation preference. The Town has also published a Legal Notice in the Winthrop Sun Transcript Newspaper dated April 4, 2019 which states "The Town Council vote to transfer \$35,000.00 from Salary Reserve to the Police Department Budget to cover the costs associated with the recent Union Agreement." These chilling acts constitute prohibited practices under Massachusetts General Laws Chapter 150E ("The Law") by failing to meet to bargain in good faith over a successor Collective Bargaining Agreement and pushing an unlawful agenda. I am therefore respectfully requesting that the DLR find that this proposed MOA wasn't negotiated at all and that the DLR find probable cause that the Town has violated the relevant sections of The Law as alleged.

By these and other acts, the party complained of has interfered with, restrained, and/or coerced rights guaranteed by the Law.

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Revised 08/13

DLR APR 11 2019

14. (a) Is there a collective bargaining agreement that may apply to the conduct that is alleged to have violated the Law? ☐ Yes ☒ No

(b) If you checked "Yes" in question 14(a), please list all of the clauses alleged to apply and attach a copy of each.

(c) Is there a grievance concerning this matter pending? ☐ Yes ☒ No

15. Without limiting your rights to later amend your remedial request, please explain what remedy you seek. Include the amount of any financial remedy to which you claim entitlement.

The Town be ordered to participate in good faith contract negotiations and declare this MOA unlawful.

16. Have you attempted to settle this case? ☐ Yes ☒ No
If not, why not?

Town has refused to abide by the Public Sector Bargaining requirements of M.G.L. Chapter 150E

Note: The DLR may decline to issue a complaint unless reasonable settlement efforts have been made by the charging party. 456 CMR 15.04(1).

INFORMATION ON CHARGING PARTY

17. Name Ferruccio Romeo	18. Representative to contact Ferruccio Romeo	20. Telephone Number (781) 213-5058
19. Address (street and No., city/town, state, and ZIP code) [REDACTED] Saugus, MA 01906		21. Fax Number
22. The Charging Party is an: ☒ Individual ☐ Employee Organization ☐ Employer		

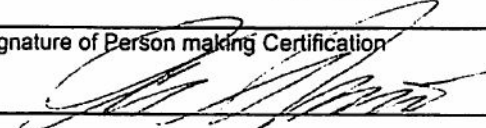
DECLARATION

I have read the above charge of prohibited practice and swear under the pains and penalties of perjury that the information contained in it is true and complete to the best of my knowledge and belief.

Name (print) Ferruccio Romeo	Signature 	Title (if any) Patrol Officer
Address (street and no., city/town, state, and ZIP code) [REDACTED] Saugus, MA 01906		Telephone Number (781) 213-5058

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Charge of Prohibited Practice on the following representative of the opposing party.

Name Austin Faison	Address (street and no., city/town, state, and ZIP code) 1 Metcalf Square, Winthrop, MA 02152	Telephone Number (617) 846-1852
Method of Service ☐ In hand ☐ First Class Mail ☒ Other (specify): Electronic Mail		
Signature of Person making Certification 		Telephone Number (781) 213-5058

Demarco, Shirley (DLR)

From: Ferruccio Romeo [REDACTED]
Sent: Thursday, April 11, 2019 2:58 PM
To: Austin Faison; Ferruccio Romeo; Fero Law; Ferruccio Romeo; Efile DLR (EOL)
Subject: New Filing
Attachments: ULP Contract MOA of 2019.pdf

Attached please find the following:

1. Charge of Prohibited Practice.

Thank you.

Sincerely,

Ferruccio Romeo

cc: Austin Faison (Electronic mail only)
Town Manager