

Demarco, Shirley (DLR)

From: EFile DLR (DLR) <efile.dlr@massmail.state.ma.us>
Sent: Friday, July 01, 2016 5:25 PM
To: hgreenspan@greenspanlawyers.com
Cc: Efile DLR (EOL)
Subject: Electronic Service of DLR Case Filing

The attached charge of prohibited practice and/or petition has been filed electronically with the Department of Labor Relations. You are being served with an electronic copy of the charge/petition because the charging party and/or petitioner has elected to use this method of service and has named you as a representative of the opposing party.

COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF LABOR RELATIONS CHARGE OF PROHIBITED PRACTICE M.G.L. c.150E	E-File Confirmation Number 3201	Date Filed 07/01/2016
	<i>MUP-16-5344</i>	

EMPLOYER

1. Name Town of Winthrop	2. Telephone Number 617-846-1852
3,4,5,6. Address (street and No., city/town, state, and ZIP code) 1 Metcalf Square Winthrop MA 02152	7. FAX Number

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EMPLOYER'S LABOR RELATIONS REPRESENTATIVE

8. Name Howard Greenspan, Esq.	9. Telephone Number (781) 598-4545
10,11,12,13. Address (street and No., city/town, state, and ZIP code) 200 Broadway, STE 304 Lynnfield MA 01940	14. FAX Number
15. E-mail address hgreenspan@greenspanlawyers.com	16. Firm/Organization Name Greenspan Lawyers

EMPLOYEE ORGANIZATION (if any)

17. Name	18. Telephone
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Winthrop Police Union MassCOP Local 421 AFL-CIO	Number 617.523.2500
19,20,21,22. Address (street and No., city/town, state, and ZIP code) 3 Metcalf Square Winthrop MA 02152	23. FAX Number

**EMPLOYEE ORGANIZATION'S LABOR RELATIONS
REPRESENTATIVE**

24. Name Jennifer Smith	25. Telephone Number 617-523-2500
26,27,28,29. Address (street and No., city/town, state, and ZIP code) 44 School St. STE 1100 44 School Street STE 1100 Bo MA	30. FAX Number 617-523-2527
31. E-mail Address jsmith@sandulligrace.com	32. Firm/Organization Name jsmith@sandulligrace.com

33. This charge is filed against Employer (E) or Employee Organization (O):	E
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34. 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) 150E-10(a)1:150E-10(a)5
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35. Summary of basis of Charge (be specific as to names, dates, addresses, etc.) Attach addition sheets, documents and/or affidavits if necessary. Please note: failure to allege specific facts may/will result in dismissal of the charge. Winthrop Police Union MassCOP Local 421 AFL-CIO (Union) represents all public safety officers in the ranks of Patrol Officer and Sergeant employed by the Town of Winthrop (Town). By a letter dated April 19, 2016 Winthrop Police Officer (Officer R) was notified that she was subject to an investigation based on a citizen complaint (concerning a domestic violence incident in February), and directing her to comply with the Town's investigator. By an email dated April 25, 2016 counsel for the Union requested the following information in advance of the investigatory interview: 1. a copy of the complaint: 2. the identity of the complainant: 3. any documents/materials relating to the complaint (including a surveillance video that the Chief provided to the complainant/the complainant's attorney); and 4, all police reports pertaining to the incident that gave rise to the complaint. In response to the request for information, by a letter the Town provided the identity of the complaint but refused to provide any other materials (including a the video that was provided to the Complainant). The Town has consistently refused to provide the requested information. The Union asserts that the information sought is relevant and reasonably necessary to the execution of the Union's duties as the collective bargaining representative and are relevant and reasonably necessary to represent Officer R. in the investigatory interview. To date the Town has refused to provide the requested information, and has by it's
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actions failed to bargain in good faith in violation of Section 10(a)(5) and derivatively Section 10(a)(1) of the MGL 150E.	
36. (a) Is there a collective bargaining agreement that may apply to the conduct that is alleged to have violated the Law?	☒ N
(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?	☒ N
37. 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. Order to provide information, posting, and otherwise make whole.	
38. (a) Have you attempted to settle this case?	☒ Y
(b) If not, why not? 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). The Division may refer the charge to a Division mediator for settlement discussions.	

INFORMATION ON CHARGING PARTY

39. The Charging Party is an Individual (I), Employee Organization (O), Employer (E):		☐ O
40. Name Winthrop Police Union MassCOP Local 421 AFL-CIO	41. Representative to contact Jennifer Smith	42. Telephone Number 617.523.2500
43,44,45,46. Address (street and No., city/town, state, and ZIP code) 44 School St. STE 1100 Boston MA 02108		47. FAX Number 617-523-2527
48. E-mail address jsmith@sandulligrace.com		

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.

49. Name Jennifer Smith	50. Signature/s/ Jennifer Smith	51. Title (if any) Labor Counsel
52,53,54,55. Address (street and No., city/town, state, and ZIP code) 44 School Street STE 1100 Boston MA 02108		56. Telephone Number 6175232500
57. E-mail address jsmith@sandulligrace.com		

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.

58. Name of Representative Being Served Howard Greenspan, Esq.	59,61,62,63. Address (street and No., city/town, state, and ZIP code) 200 Broadway, STE 304 Lynnfield MA 01940	60. Telephone Number (781) 598-4545
64. E-mail address of Representative Being Served hgreenspan@greenspanlawyers.com		
65. Method of Service: In hand (H), First Class Mail (M), E-mail (E), 66. Other (O)		E
67. Signature of Person making Certification/s/ Jennifer Smith		68. Telephone Number 617-523-2500
69. E-mail address jsmith@sandulligrace.com		
70. Do you have additional attachments?		N

The DLR does not discriminate on the basis of disability in access to its services. Inquiries, complaints or requests, including requests for auxiliary aids and information regarding access features should be directed to the ADA Coordinator (617) 626-7132. This document is available in alternative formats.