



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

DO NOT WRITE IN THIS SPACE
Case No. Date Filed

MUA-16-5552-10-12-16

INSTRUCTIONS: Answer all applicable questions. Failing to provide information may result in the dismissal of the charge. File an original and two (2) copies of this form with the Division.

Note: Pursuant to 456 CMR 15.04, the Division 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 (Library)	2. Representative to contact James McKenna, Town Manager	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 617-846-5458
6. Employee Organization (if any): Winthrop Library Staff Assoc., Local 4928, MLSA, AFT Massachusetts, AFL-CIO	7. Representative to contact Joseph R. Lettiere Associate Counsel	9. Telephone Number 617-423-3342
8. Address (street and No., city/town, state, and ZIP code) AFT Massachusetts, 38 Chauncy St., Suite 402, Boston, MA 02111		10. Fax Number 617-423-0174
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) (1) and (5) <i>Failing to specify an appropriate section/subsection may result in the dismissal of the charge.</i>		
13. 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. On April 19, 2016 the Employer notified the Library staff that it was contemplating the imposition of photo ID badges for unit members. (See Attachment 1). On April 22, 2016, AFT Mass. Field Representative, Shawn Flood, sent an email to the HR Manager for the Town, notifying her that such an action would have to be negotiated with the Union prior to implementation because it would constitute the imposition of a dress code, a mandatory subject of bargaining.(See Attachment 2) In September, 2016, without ever replying to Mr. Flood or bargaining over this matter, the Employer unlawfully implemented the requirement that the Library Staff wear the photo ID badges at work, thereby violating c.150E, §§ 10(a)(1) and (5).		

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

85:CH951.21100870

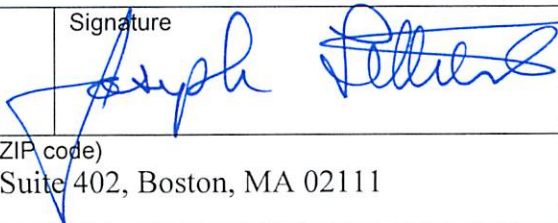
14. (a) Is there a collective bargaining agreement that may apply to the conduct that is alleged to have violated the law?	☐	Yes	☒	No
(b) If you checked "Yes in question 14(a), please list all of the clauses alleged to apply and attach a copy of each.				
(c) Is there a grievance concerning this matter 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. An order requiring that the discipline be rescinded and expunged from all records, and a posting.				
16. Have you attempted to settle this case? If not, why not?	☐	Yes	☒	No
The Employer simply never responded to the bargaining demand and its action is now a fait accompli.				
<i>Note: the division 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.</i>				

INFORMATION ON CHARGING PARTY

17. Name Winthrop Library Staff Assoc., Local 4928, MLSA, AFT Massachusetts, AFL-CIO	18. Representative to contact Joseph R. Lettiere Associate Counsel	20. Telephone Number 617-423-3342
19. Address (street and No., city/town, state, and ZIP code) AFT Massachusetts, 38 Chauncy St., Suite 402, Boston, MA 02111		21. Fax Number 617-423-0174
22. The Charging Party is an: ☐ Individual ☒ Employee Organization ☐ Employer		

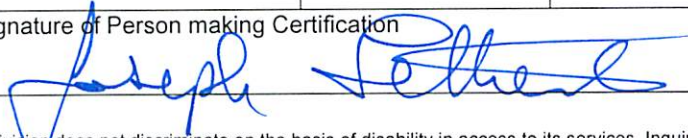
DECLARATION

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) Joseph R. Lettiere	Signature 	Title (if any) Associate Counsel
Address (street and no., city/town, state, and ZIP code) AFT Massachusetts, 38 Chauncy St., Suite 402, Boston, MA 02111		Telephone Number 617-423-3342

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 Howard Greenspan, Esq.	Address (street and no., city/town, state, and ZIP code) 200 Broadway #304 Lynnfield, MA 01940	Telephone Number 781-598-4545
Method of Service	☐ In hand ☒ First Class Mail ☒ Other (specify): <u>e-mail</u>	
Signature of Person making Certification 		Telephone Number 617-423-3342

The Division 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.

DLR0012164458



Allen, Rich <rallen@noblenet.org>

[wthstaff] All Winthrop Staff Fwd: Fw: Identification Badges

1 message

Wallace, Diane <wallace@noblenet.org>

Tue, Apr 19, 2016 at 1:09 PM

To: WINTHROP - Staff <wthstaff@noblenet.org>

Hi all,

As you can see from the email below the Town is issuing ID badges for town employees.

I've let them know that library staff are **not** at work at 10:30 on a Tuesday, so we have been advised to get our photo taken anytime between 12 and 12:30 on Tuesday in the Harvey room at town hall. I'll find out what they expect from staff that begin work at 1 pm that day. Hopefully someone will still be there to take a photo after 1.

I can get my photo taken early and then help cover as other staff heads over to get theirs taken at noon. Let's please stagger how we do this in order to make sure the library is covered. Thanks.

Also, I don't know anything else about the IDs. I'm not sure when we will get them and if we have to actually wear them while working, but I'll find out. Last I knew this was an idea, but now I see it's a reality.

Thanks,
Diane

----- Forwarded message -----

From: **Diane Wallace** <dwallace@town.winthrop.ma.us>

Date: Tue, Apr 19, 2016 at 1:03 PM

Subject: Fw: Identification Badges

To: "wallace@noblenet.org" <wallace@noblenet.org>

Diane Wallace

Director

Winthrop Public Library

2 Metcalf Square

Winthrop, MA 02152

617.846.1703

Attachment 1

On Fri, Apr 22, 2016 at 8:48 AM, <spf67@aol.com> wrote:

Stacy

On April 19th the Library Staff received an email from the Director forwarding an email from the Town regarding ID badges. The wearing of ID badges falls within the realm of a dress code which is a mandatory topic of bargaining. If it is the Town's desire that library unit employees wear ID badges, there must negotiations with the Union.

Shawn Flood
AFTMA

ATTACHMENT 2

DLR0CT12716AM8:58



AMERICAN FEDERATION OF TEACHERS MASSACHUSETTS

38 Chauncy Street, Suite 402
Boston, MA 02111

(617) 423-3342 / 1-800-279-2523

Fax: (617) 423-0174



October 7, 2016

BY EMAIL AND MAIL

Mr. Edward B. Srednicki
Executive Secretary
Department of Labor Relations
19 Staniford St., 1st Floor
Boston, MA 02114

RE: Winthrop Library Staff Association, MLSA, Local 4928
AFT Massachusetts, AFL-CIO
and
Town of Winthrop
CHARGE OF PROHIBITED PRACTICE

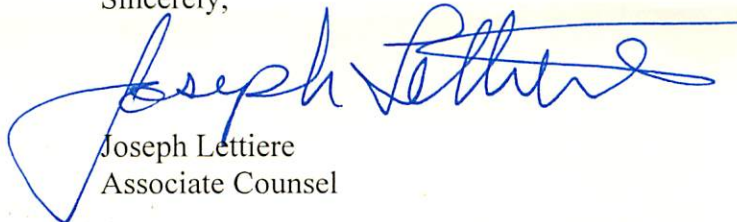
Dear Mr. Srednicki:

Enclosed please find for filing an Unfair Labor Practice Charge on behalf of the Winthrop Library Staff Association, MLSA, Local 4928, AFT Mass. against the Town of Winthrop.

This will confirm that I have served the enclosed Unfair Labor Practice Charge and Exhibits upon the Town's legal counsel, Howard Greenspan, Esq.

Thank you for your attention to this matter.

Sincerely,



Joseph Lettiere
Associate Counsel

JL/mj

Enclosure

c: Howard Greenspan, Esq.

Mary Frances Best

Richard Allen

Shawn Flood

65:6W9121100810