

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

In the Matter of

TOWN OF WINTHROP

and

WINTHROP POLICE, MASSCOP, LOCAL 421

and

FERRUCCIO ROMEO

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Case No. MUP-14-4210
MUP-15-4652

Date issued: July 27, 2020

COMPLAINT OF PROHIBITED PRACTICE ON REMAND

On December 12, 2014, Ferruccio Romeo (Romeo), on behalf of Winthrop Police MassCOP, Local 421 (Union), in his capacity as Union president, filed a Charge of Prohibited Practice with the Department of Labor Relations (DLR) alleging that the Town of Winthrop (Town) had engaged in prohibited practices within the meaning of Section 10(a)(4), Section 10(a)(3) and Section 10(a)(1) of M.G.L. c. 150E (the Law). Pursuant to Section 11 of the Law, as amended by Chapter 145 of the Acts of 2007, and Section 15.05 of the DLR's Rules, 456 CMR 15.05, a DLR Investigator¹ conducted an in-person investigation into these allegations on January 24, 2015.

On March 5, 2015, the Investigator dismissed MUP-14-4210 in its entirety for lack of probable cause. On March 30, 2015, Romeo filed a request for review of the dismissal of the Section 10(a)(3) allegation with the Commonwealth Employment Relations Board

¹ The Investigator has since left the DLR's employ. DLR Director Philip T. Roberts is issuing this complaint on behalf of the DLR.

(CERB) pursuant to DLR Rule 15.05(9).² The Town filed a response to the request for review on May 1, 2015.

On June 24, 2015, Romeo, in his individual capacity, filed a separate charge, MUP-15-4562, alleging that his January 9, 2015 termination violated Sections 10(a)(1), 10(a)(2), 10(a)(3), and 10(a)(4) of the Law.

The DLR deferred both charges to arbitration in 2015. On August 9, 2019, the DLR granted Romeo's requests to revive both charges for further processing. On July 9, 2020, the DLR consolidated MUP-14-4210 with MUP-15-4652 for the CERB's review. On July 24, 2020, the CERB issued a ruling reversing the dismissal of the Section 10(a)(3) allegation MUP-14-4210 and remanding both matters to the DLR to issue a consolidated complaint consistent with its ruling. Therefore, this Complaint of Prohibited Practice shall issue, and the parties will be given the opportunity to be heard for the purpose of determining the following allegations.

1. The Town is a public employer within the meaning of Section 1 of the Law.
2. The Union is an employee organization within the meaning of Section 1 of the Law.
3. The Union is the exclusive representative for police officers employed by the Town.
4. Romeo is employed by the Town as a police officer and is a member of the bargaining described in paragraph 3.
5. From December 2004 to February 2015, Romeo served as Union president. In this capacity, Romeo negotiated collective bargaining agreements and filed grievances on behalf of bargaining unit members.
6. In or around September 2014, Romeo filed a grievance on behalf of a bargaining unit member and posted documents related to that grievance on a bulletin board

² The Union did not appeal from the dismissal of the Section 10(a)(1), Section 10(a)(3) or Section 10(a)(4) allegation.

in the police station where he worked. On September 12, 2014, and November 22, 2014, Romeo refused requests by the Town's human resources director and police chief to remove the posted documents.

7. On or about December 1, 2014, the Town placed Romeo on administrative leave pending an investigation into a detail that Romeo worked on November 24, 2014.
8. On January 9, 2015, the Town terminated Romeo.
9. The conduct described in paragraphs 5 and 6 constitutes concerted, protected activity.
10. The Town knew about the protected, concerted activity described in paragraphs 5 and 6.
11. The Town took the action referred to in paragraphs 7 and 8 in retaliation for Romeo's concerted, protected activity described in paragraphs 5 and 6.
12. By the conduct described in paragraphs 7, 8 and 11, the Town has discriminated against Romeo in violation of Section 10(a)(3) of the Law.
13. By the conduct described in paragraphs 7, 8 and 11, the Town has derivatively interfered with, restrained and coerced its employees in the exercise of their rights guaranteed under Section 2 of the Law in violation of Section 10(a)(1) of the Law.

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PHILIP T. ROBERTS, DIRECTOR