

COMMONWEALTH OF MASSACHUSETTS
BEFORE THE LABOR RELATIONS COMMISSION

In the Matter of	*
	*
CITY OF CAMBRIDGE	*
	*
and	*
	*
LOCAL 195, INDEPENDENT PUBLIC	*
EMPLOYEES ASSOCIATION	*
	*

Case No. MUPL-2365

Date Issued:

October 3, 1980

COMPLAINT OF PROHIBITED PRACTICE

The City of Cambridge (City) filed a charge on August 13, 1980 with the Labor Relations Commission (Commission) alleging that Local 195, Independent Public Employees Association (Association) has engaged in prohibited practices within the meaning of Section 10(b)(2) of G.L. c.150E (the Law).

Pursuant to its authority under Section 11 of the Law, the Commission investigated the City's charge and hereby makes the following allegations:

1. The City of Cambridge is a municipal corporation in the County of Middlesex in the Commonwealth of Massachusetts and is a public employer within the meaning of Section 1 of the Law.
2. Local 195, Independent Public Employees Association is an employee organization within the meaning of Section 1 of the Law.
3. Local 195, Independent Public Employees Association is the exclusive representative for the purpose of collective bargaining of certain employees of the City of Cambridge.

4. The Commission is informed and therefore avers:

- (a) On or about June 30, 1980 the City and the Association agreed on a successor collective bargaining agreement (Agreement).
- (b) The Agreement was subject to ratification by employees represented by the Association.
- (c) On or about July 7, 1980 the employees represented by the Association ratified the Agreement by a vote of 298-273.
- (d) On or about July 17, 1980 the Association informed the City that because the ratification vote taken on July 7, 1980 may not have been procedurally sufficient to support enforcement of the agency service fee provision contained in the agreement, the agreement would be subjected to a second ratification vote.
- (e) Late in July 1980 the Association issued notice to all employees whom it represents stating that a second ratification vote on the Agreement would be taken and that a "no" vote would result in no contract and that the City and Association would be back in negotiations.
- (f) On or about August 1, 1980 a second ratification vote on the Agreement was held.
- (g) As a result of the second ratification vote the Agreement was rejected by a vote of 374-262.
- (h) On August 4, 1980 the Association demanded to resume bargaining for a new contract.
- (i) The Association refuses to reduce to writing and execute the agreement reached on June 30, 1980 and ratified on July 7, 1980.

5. The Association by the acts described in paragraph 4 above has refused to bargain in good faith in violation of Section 10(b)(2) of the Law.
6. The Association by the acts described in paragraph 4 above has interfered, restrained, and coerced the employees in the exercise of its rights under the Law, in violation of Section 10(b)(1) of the Law.

WHEREFORE, the Commission, by virtue of the power vested in it by the Law, issues this Complaint as set forth above against Local 195, Independent Public Employees Association.

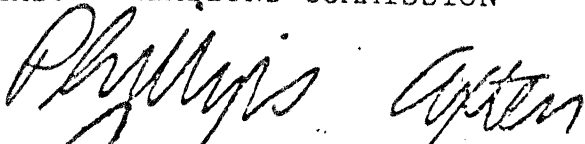
The Association shall file an original and three (3) copies of an answer to this Complaint within seven (7) days from the date of service of the Complaint by the Commission. The Association shall specifically admit, deny or explain each of the facts alleged in the Complaint, unless it is without knowledge, in which case it shall so state, such statement operating as a denial. All allegations in the Complaint to which no answer is filed or any allegation in the Complaint not specifically denied or explained in an answer filed, shall be deemed to be admitted to be true and shall be so found by the Commission, unless good cause to the contrary is shown. The Association shall serve one additional copy of the answer of the opposing party or

its counsel, if any.

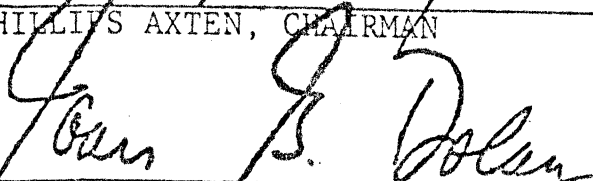
The Commission does hereby order that an Expedited Hearing pursuant to Section 11 of the Law be held on the Complaint before the Labor Relations Commission, Leverett Saltonstall Building, 100 Cambridge Street, Room 1604, Boston, Massachusetts on Tuesday, November 4, 1980 at 10:00 a.m.

All parties to the proceedings have the right to appear in person at the hearing, to hear evidence and produce testimony, to examine and cross-examine witnesses and otherwise defend against this Complaint.

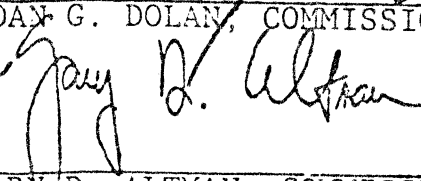
COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION



PHILLIPS AXTEN, CHAIRMAN



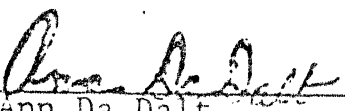
JOAN G. DOLAN, COMMISSIONER



GARY D. ALTMAN, COMMISSIONER

A true copy.

ATTEST:



Ann Da Dalt
Executive Secretary

COMMONWEALTH OF MASSACHUSETTS
BEFORE THE LABOR RELATIONS COMMISSION

In the matter of
CITY OF CAMBRIDGE
and
INDEPENDENT PUBLIC EMPLOYEES
ASSOCIATION, LOCAL 195

Case No. SI-118

Date Issued: October 3, 1980

Commissioners participating:

Phillips Axten, Chairman
Joan G. Dolan, Commissioner
Gary Altman, Commissioner

Appearances:

Phillip Collins	--	Counsel to the City of Cambridge
Dorothy Nelson	--	
Michael Feinberg	--	Counsel to the Independent Public Employees Association, Local 195

INTERIM ORDER

On October 3, 1980 the City of Cambridge (City) filed with the Labor Relations Commission (Commission) a petition under Section 9A(b) of G.L.c. 150E (the Law). The City alleged that the Independent Public Employees Association, Local 195 (Association) and its members were engaging in a strike in violation of Section 9A(a) of the Law.

Upon notice to the Association and the City, the Commission conducted an investigation of the alleged strike, commencing at approximately 4:30 p.m. on October 3. On the basis of the

investigation, we make the following findings:^{1/}

1. The City of Cambridge is a municipal corporation situated in the County of Middlesex in the Commonwealth of Massachusetts and is a public employer within the meaning of Section 1 of the Law.
2. The Association is an employee organization within the meaning of Section 1 of the Law.
3. The Association is recognized by the City as the exclusive collective bargaining representative of certain City employees in the Department of Public Works, Cambridge City Hospital and the Infirmary, the Electrical and Traffic Departments, and various other departments throughout the City.
4. The City and the Association were parties to a collective bargaining agreement which expired on June 30, 1980.
5. On or about June 30, 1980 the City and the Association reached tentative agreement on a successor agreement. Whether the tentative agreement is binding on the parties is the subject of litigation in Case No. MUPL-2365, currently pending before the Commission.
6. October 3 attendance figures for employees represented by the Association are as follows:

City Hall	59 out of 64 absent
Department of Public Works	300 out of 325 absent all day, 25 reported for 15 minutes

^{1/} After making a brief opening statement, counsel for the Association walked out of the investigation. Thus, these findings are based solely on evidence introduced by the City.

Cambridge City Hospital	250 of 250 absent
Traffic Department	41 of 41 absent
Electrical Department	3 of 4 absent all day; one reported for 15 minutes
Michael J. Neville Manor	94 scheduled, all absent

7. Picket signs reading "Local 195 on Strike" were observed throughout the day at Cambridge City Hospital (main and emergency entrances), City Hall, City Hall Annex, and the Department of Public Works yard. At least some of the picketers were employees represented by the Association who were scheduled to be at work at the time they were picketing.
8. During the day of October 3, delivery of blood to Cambridge City Hospital was impeded, as were vendor access to City property, passage of Public Works Department equipment, and access of non-Association City employees to their worksites.
9. Association President James P. Cassidy was observed on a picket line at a time when he was scheduled to work. Sheila Tobin, Association Vice-President, was also observed on a picket line.
10. During the day of October 3, Association President Cassidy stated to Deputy City Manager Healy that emergencies and operations already scheduled at the Hospital would not be impeded, the employees would perform burials at the City cemetery, and that "this probably won't last long."

WHEREFORE, the Commission after investigation finds that employees of the City of Cambridge represented by the Association are engaging in a strike in violation of Section 9A(a) of the Law and that the

Association is encouraging, inducing and condoning said strike, in violation of Section 9A(a) of the Law. Accordingly, the Commission, by virtue of the power vested in it by Section 9A(b) of the Law, sets the following requirements:

- a. City employees represented by the Association shall cease and desist from engaging in any strike, withholding of services, work stoppage or slowdown.
- b. The Association, its members, officers and agents shall cease and desist from engaging in a strike and from inducing, encouraging and condoning the strike, nor shall the Association permit its officers and agents to induce, encourage or condone the strike.
- c. The Association, its officers and agents shall take the following affirmative action:
 - i) publicly notify employees represented by the Association of this Interim Order by means best calculated to reach all such employees;
 - ii) at the same time as giving the notice required by sub-paragraph i) above, disavow the strike by the Association employees.
- d. At 12:00 noon on Saturday, October 4, the Association shall notify the Commission of its compliance with this order by telephoning the Commission's office at 727-3505.

The Commission retains jurisdiction over this matter and will enter further orders as it deems appropriate.

SO ORDERED.

A true copy.

ATTEST:

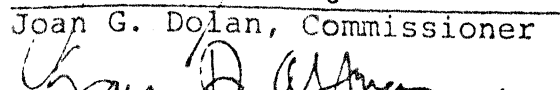


Ann DaDalt
Executive Secretary

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION


Phillips Axten, Chairman


Joan G. Dolan, Commissioner


Gary D. Altman, Commissioner

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