

To: Members of Cambridge City Council
FR: Robert L. Hall - Resident of City of Cambridge
Re: Non-Payment of Wages - Industrial Accident
Date: December 14, 1995

RECEIVED BY
OFFICE OF CITY CLERK
CAMBRIDGE MASS.
1995 DEC 14 AM 10:20

Dear Honorable Members;

As you know this is a time of caring and sharing. Yet for over three years it appears members of City Gov't has acted in a mean spirited manner toward me and my family causing enormous emotional and financial stress and suffering.

I have attempted to go through the proper channels and have encounter double talk and non responsible behavior by public servant employee.

I am requesting a full investigation before this body to request all parties involved - a representative from Neville Manner, Marriott Hotel, local 195 representative of Legal Dept. to come forth before and explain why this matter happen and why I am being denied compensation for what happen to me on the job at Neville manner.

- next page. -

attached is a outline in paper work I have submitted to some member of this body with the hope that this matter can be resolved.

- (A) Accident Report ~~Hearing~~
- (B) Union Grievance Report Hearing
- (C) I.A.B. Conciliation Recommendation
- (D) Letters to City Council Member
- (E) Formal Hearing I.A.B. - Judge Pierre Solomon

Because this is the period of time when this all happened. It creates for me and my family a emotional flashback causing us even more emotional and financial stress.

Thank you for your time and I look forward to a closure to this matter.

Respectfully
Robert A. Hall
364 Rindge Ave 7K
N. Camb. MA. 02140
(617) 492-2354

October 19, 1995

To: Walter Sullivan Jr. & Michael Sullivan
28 Putnam Ave.
Cambridge, Massachusetts 02139

Re: "Workman Compensation Case & Rehired to a Employment
Position with the City of Cambridge"

Dear Mr. Sullivan;

Thank you for offering to help me with my Workmen
Compensation case against the City of Cambridge.

Since 11/5/93 my wife, child and I, have faced some
very difficult emotional and economic times (A) see material
attached on workmen compensation case).

On 11/13/94, my family and I faced the ultimate nightmare.
I was convicted of a crime I did not do and was sentenced
to a 2 yrs H/C term at Middlesex House of Correction for poss.
in/ink to sell and dict. (1) bag of heroin in Nord Sq. (B) see
Nord police report and my statement of events - case currently
about to be retried.

Since 11/5/93, I never received any compensation for what
happened to me at Neville Manor. It was recommended by
I. A. B. that I be partially compensated. Yet the City
of Cambridge has not acted in good faith. I have
lost my job in August of 94, even though I attempted
to return to work in late June of 94. Regretfully, I
am now on public assistance attempting to regain

my self-respect and direction.

I need your assistance to resolve my workmen compensation case and if you can get me rehired with the City of Cambridge. I spoke to Mr. John O'Brien, Health & Hospital Commissioner and he stated I should re-submit my application.

Any assistance you may deem appropriate with these matters will be forever deeply appreciated.

Respectfully,
Robert Hall

364 Girdge Ave. 7K
N Cambridge, Mass.

02140

P.S. I am no drug dealer and what motive would I have to sell heroin in Huel Sq for \$20.00 dollars on my payday when I had money at home?

cc: John. O'Brien, Health & Hospital, Commissioner
Robert Healy, City Manager

10/26/95

Dear Ken;

I am preparing to bring this matter before the City Council and the City of Camb. It appears there is some deep mean spiritedness and avoidance in resolving this matter. Any assistance to resolve the matter I discussed in my letter to Mr. Sullivan will be deeply appreciated.

Respectfully
Robert Hall

10/26/95

Dear Mr. O'Brien;

Per our conversation, I would appreciate your input to resolve the matter addressed in attached correspondence to Walter Sullivan - thank you.

Respectfully
Robert Hall

10/26/95

Dear Mr. Healy;

Your input to resolve this matter will be deeply appreciated. I am preparing to bring this matter before the City Council.

Respectfully
Robert Hall

December 4, 1995

To: Ken Reeves, Mayor
City of Cambridge, Massachusetts

Re: Final Resolution to Industrial Accident Board Case #03988493
Robert L. Hall vs City of Cambridge - Neville Manor

Dear Ken;

Thank you for your assistance thus far with my I. A. B. case. The attorney Michael Landsman, is a contract attorney with the city who contacted me last week and made an offer of \$1000 to settle my claim against the City. I refused the offer because it did not represent 60% of my salary at the time of my employment and injury. Based on our calculations (excluding pain and suffering, interest and potential O.T. lost we arrived at \$2007.92.

I made a counter offer in good faith of \$1700.00 in which he rejected stating that the City would not accept my offer. I asked him to recontact the City and discuss my offer and to get back to me on Thursday 11/30/95. He recontacted me on Thursday and stated he spoke again with someone in the City and the offer still remains the same of \$1000. I informed him again this offer is not acceptable and I will see him at our hearing before Judge Dianne L. Solomon on 12/19/95, to argue the merits of the case (see attached material).

I would appreciate if you would contact Atty. Landsman at (497-6617) to see what can be done to resolve this matter. If he is unwilling to reach a fair settlement. Please find out who he has to report to City Hall and see if this matter can be resolved there. Thanks again.

I will be at the City Council meeting on 12/4/95, to get your update on this matter - Happy Holidays.

Respectfully,
Robert L. Hall
364 Grudge Ave 7K
N. Camb. Mass. 02140
(617-492-2354)

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF INDUSTRIAL ACCIDENTS - DEPARTMENT 110
600 WASHINGTON STREET - 7TH FLOOR, BOSTON, MA 02111

DIA BOARD NO.:

23968493

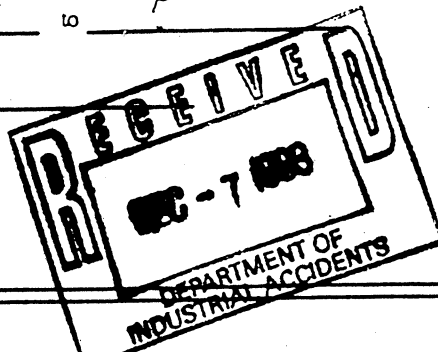
EMPLOYEE'S CLAIM

FOR USE BY EMPLOYEES OR DEPENDENTS CLAIMING BENEFITS AS A RESULT OF INJURY OR DEATH. ALL OTHER CLAIMANTS SHOULD USE FORM 115

ENTER IF KNOWN

INSTRUCTIONS AND CODES ARE ON THE REVERSE SIDE. PLEASE PRINT OR TYPE:

1. Employee's Name (Last, First, MI) <i>HALL ROBERT</i>		2. Social Security Number* <i>074-40-1837</i>		3. Home Telephone <i>(617) 492-2354</i>	
4. Home Address (No. and Street, City, State, Zip) <i>364 RINDGE AVE # 7K CAM, MA. 02140</i>				5. Date of Birth <i>6/19/50</i>	
6. Name of Employee's Attorney (Last, First, MI) and Board of Bar Overseers Number <i>NONE</i>					
7. Attorney's Address (No. and Street, City, State, Zip) <i>650 CONCORD AVE ()</i>				8. Attorney's Telephone	
9. Employer's Name and Address (No. and Street, City, State, Zip) <i>CITY OF CAMBRIDGE, NEVILLE MANOR 795 MASS. AVE CAM 02139</i>				Industry Code <i>76</i>	
10. Workers' Compensation Insurance Carrier (Not Local Agent/Adjuster) and Address (No. and Street, City, State, Zip) <i>SELF INSURED</i>					
11. Date of Injury (mm/dd/yy) <i>11/15/93</i>			12. Nature of Injury Code(s) a. <i>999</i> b. c.		
13. If Employee Has Died, Date of Death (mm/dd/yy)			14. Body Part Code(s) a. <i>999</i> b. c.		
15. Description of Injury (Left Leg...Lower Back...) <i>STRESS</i>					
16. First Date of Total or Partial Incapacity to Earn Wages (mm/dd/yy) <i>11/15/93</i>			17. Fifth Date of Total or Partial Incapacity to Earn Wages (mm/dd/yy) <i>11/10/93</i>		
18. Number of Dependents <i>1</i>		19. Average Weekly Wage \$ <i>370.00</i> <input checked="" type="checkbox"/> Estimated <input type="checkbox"/> Actual		20. Has Employee Returned to Work <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. Regular Occupation <i>LABORER</i>		22. Has the Insurer Made Any Payments On Your Claim? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Indicate Benefits Paid \$ <i>0</i>			
23. Describe How Injury/Exposure Occurred (Struck By...Fell From...Exposed To...) <i>HARRASSMENT AND BADGERING by Mgt & ADM</i>					
24. Names of any Witnesses <i>11040 MERRIMAN + OTHERS Richard Adeus, MARION Connelly, Sheila Nichols, Bob Millar, MARGO MILMOSE</i>					
25. Section(s) Of Law Claimed. Check Appropriate Box(es) Below and Attach Documentation as Required by M.G.L. 152, section 7G, section 10(1) and 452 CMR 1.07. a. (s.34) <input type="checkbox"/> Temporary, Total Incapacity Compensation from <i>11/5/93</i> to <i>P</i> and from _____ to _____ b. (s.35) <input type="checkbox"/> Partial Incapacity Compensation from _____ to _____ and from _____ to _____ c. (s.36) <input type="checkbox"/> Specific Compensation in the amount of \$ _____ d. (s.31) <input type="checkbox"/> Survivors' Benefits e. (s.33) <input type="checkbox"/> Burial Expenses f. <input checked="" type="checkbox"/> Other (Specify Section) <i>MEDICAL BENEFITS Sec 30</i>					
26. Name and address of facility where medical treatment first obtained <i>HARVARD COMMUNITY HEALTH PLAN (1611 CAME ST CAM MA.</i>					
27. Name and address of Treating Physician <i>DR. PARDROZA 1611 CAME ST. CAM MA.</i>					
28. Employee's Signature <i>Robert Hall</i>				29. Date (mm/dd/yy) <i>12/7/93</i>	
30. Attorney's Signature				31. Date (mm/dd/yy) <i>1/1/</i>	



CITY OF CAMBRIDGE

PERSONNEL DEPARTMENT
CITY HALL, CAMBRIDGE, MASS. 02139
498-9024

G R I E V A N C E

(Note: Prepare and sign three (3) copies. All three copies are submitted at the successive steps by the aggrieved employee or the Union until the grievance is resolved. On settlement or third-step response, copies are distributed to the Union (Green), the Department (Yellow), and the Department of Budget-Personnel (White).

NAME OF AGGRIEVED EMPLOYEE Robert Hall
TITLE AND COMPENSATION GRADE Laborer / Housekeeper
DEPARTMENT AND DIVISION WHERE EMPLOYED NEVILLE MANOR
NAME OF EMPLOYEE ORGANIZATION LOCAL 195

(Grievant states the facts (including date/s) on which his grievance is based, citing each section of the contract which has been violated, and the proposed remedy).

IN ACCORDANCE with Article III sec (1) Article IV sec (2) Article VI
sec (2) THE CURRENT ADMINISTRATION AND MARRIOTT HOTEL MGR. TEAM
AT NEVILLE MANOR HAVE VIOLATED THIS UNION CONTRACT AND MY CIVIL RIGHTS
BY CONSPIRING AGAINST ME (above name) IN A MANNER UNFAIR AND
UNJUST. I seek a formal meeting of all parties involved to redress
THE MEMO dated 10/22/93 by Bob KATILUS. I seek full disability due
to THE EMOTIONAL, MENTAL AND PHYSICAL STRESS I'm UNDER ^{AT WORK AND HOME} AND compensation
for above matter.

Signed Robert Hall
Aggrieved Employee

Signed Robert Hunter
Union Steward

10/8/93
11/8/93
Date



PERSONNEL DEPARTMENT
MICHAEL P. GARDNER
Director

CITY OF CAMBRIDGE
795 MASSACHUSETTS AVENUE
CAMBRIDGE, MASSACHUSETTS 02139
TEL: 349-4332
FAX: 349-4312

39684-93

GRIEVANCE RESPONSE

DATE: January 14, 1994
TO: Robert Hall, Neville Manor
FROM: L. Savoie, Empl. Rel. Mgr.
City Manager Designee

SUBJECT: 19593-33 Grievance

COPIES: Ed. Carney, Asst. Administrator
James P. Cassidy, President IPEA
M. Gardner, Personnel Director
File

ISSUE

Mr. Hall grieves contract violations of Article III Grievance Procedure, Section 1 Procedure Applications; Article IV, Section 2 Selection of Arbitrator; and Article VI Fair Practices, Section 2 Non-Discrimination. Mr. Hall alleges a conspiracy practices and a violation of his civil rights.

As a remedy he seeks full disability due to emotional, mental and physical stress and compensation for the matter.

UNION POSITION

Union counsel, Mr. Krakow alleges that Mr. Hall has been harassed by supervision and, as a result of that harassment, he has suffered from emotional stress, has been unable to work and he should be made whole for that experience.

Mr. Krakow argues the management has acknowledged these improper acts of supervision because they removed that supervisor from the facility. The Union

applauded management for swift and decisive action to remove the offending supervisor.

Further the union and Mr. Hall allege he is being harassed by supervision who followed him about his workday viewing Hall's work, etc. Mr. Krakow claims that this is just another continuation of the overall harassment exhibited by facility management.

Mr. Hall seeks compensation (W/C), restoration of his benefits (i.e. holiday pay), etc. In the event that the IAB grants only partial benefits, the union seeks suitable ancillary compensation to make up full compensation for any salary lost. He seeks compensation for any overtime he should have been offered during his absence.

MANAGEMENT POSITION

Mr. Ed Carney, Asst. Administrator Neville Manor acknowledged the incident in which the Marriott supervisor created which were not complimentary to Mr. Hall.

Mr. Carney emphatically denied the Marriott supervisor had authority to make such statements/documents and the Marriott individual did so without the knowledge or authority of Neville Manor. When the Manor became aware of the existence of these documents, Neville administration took immediate steps to have that supervisor removed from Neville Manor. In addition, the administration disseminated a memo to all housekeeping employees decrying the actions of the Marriott and disavowing any prior knowledge or awareness of what that supervisor had contemplated or did.

Mr. Carney pointed out that the "walkaround" inspection tours conducted by management representatives are and have been practice in the facility. It has and had been practice to walk about the facility viewing the cleaning and work efforts to assure the facility was properly maintained. No employee was singled out or harassed; in fact, all employees were viewed during these inspection tours not just Mr. Hall, this has been a practice in Neville Manor for many years.

DISCUSSION

This incident came about through the unauthorized documentation of a Marriott employee retained to perform services for Neville Manor. It is unchallenged that these comments were produced by the Marriott individual. Also unchallenged is the contention that Neville Manor management were totally unaware of the Marriott individual actions.

When Neville management became aware of the Marriott individual's actions, they immediately addressed the problem and had the individual removed from the facility. In addition, on 11/5/93 both the Administrator and the Assistant Administrator promulgated a memo to all Housekeeping Department Employees identifying the Marriott individual's documented notes and denouncing them as the unsolicited opinions

of just one person and unsupported and unsolicited by Neville management. Further, administration sought feedback from housekeepers and invited them to discuss any concerns they might have. Management acted quickly to avoid further discord and even the union counsel noted that they acted quickly and properly in that regard.

I cannot accept the union's allegation's that these actions were the acts of a management supervisor and, therefore, Neville Manor is fully responsible for those acts. When Neville became aware of the unsolicited and unauthorized notes they acted quickly and properly to remove the offending individual.

The union's insistent that the Marriott's individual's notes were a management memorandum is, at best, a very far reach. The document in question, Exhibit 1, carries no identification as to author, neither is it addressed to anyone in particular. The union's claim that is a WordPerfect generated memo containing a file reference is not conclusive at all. Many word processing systems generate such reverence notation capabilities; neither is there any evidence that it was generated by WordPerfect software at all. It would seem that the union has truncated assumptions to fit what they may well like to believe happened. Neither was there any discussion allowed by the union as to how someone came in possession of the notes or a copy.

Certainly another interpretation of these notes seems plausible. Given the context and the framing of the items, these could have been that Marriott individual's diary style of notations, written for his own purposes, and to remind himself of his concerns and possible courses of action and were never intended to be read by anyone else but him. While a supervisory individual is entitled to harbor his concerns, evaluations, and personal opinions and comments, we agree that he does not have the right to voice them in the open nor may he put them into writing for all to see.

The union's refusal to discuss or identify the manner in which these Marriott notes came into the possession of the union or Mr. Hall is, at best, very curious. Given the concerns the union evidences about the manner in which these notes came into their possession buttresses the argument that these notes were never intended to be given the light of day but rather were intended to be personal to the Marriott supervisor himself.

The matter of Workman Compensation is not within the purview of this Hearing Officer and must be adjudicated through the W/C carriers and, if necessary, through the Industrial Accident Board. Mr. Hall has filed for workman compensation and that action will proceed on its own course.

Dependent upon the findings of that board will determine whether or not Mr. Hall is entitled to any compensation at all. Mr. Hall's grievance concerns itself with compensation for that alleged incapacity. When the board rules on the viability of his claim, it may be appropriate to reopen the grievance case to consider other aspects of a possible claim.

FINDING

Pending a determination of Mr. Hall's eligibility for a workman compensation claim, the grievance is denied. Should the I.A.B. award benefits, Mr. Hall would be entitled to the partial benefits provided by contract with Local 195.

EMPLOYEE: ROBERT HALL
EMPLOYER: NEVILLE MANOR NURSING HOME
CAMBRIDGE, MA 02138
INSURER : CITY OF CAMBRIDGE

DEPT OF INDUSTRIAL ACCIDENTS
600 WASHINGTON STREET
7TH FLOOR
BOSTON, MA 02111

INJURY DATE : 11/05/93
BOARD NUMBER: 03968493

FORM : 012
DATED: 10/31/95

ROBERT HALL
364 RINDGE AVE #1K
CAMBRIDGE, MA 02140

A HEARING IN ACCORDANCE WITH M.G.L. C. 152, S. 11 ON A CLAIM
REQUEST HAS BEEN SCHEDULED FOR THE FOLLOWING PARTIES IN THE ABOVE
REFERENCED CASE ON 12/19/95 @ 09:15 AM TO TAKE PLACE AT THE
BOSTON REGIONAL OFFICE:

ROBERT HALL
REPRESENTED BY: PRO SE

CITY OF CAMBRIDGE
REPRESENTED BY: MICHAEL C COSTELLO ESQ - 547-5600

- * INTERPRETERS ARE THE RESPONSIBILITY OF THE MOVING PARTY.
- * PLEASE USE THE BOARD NUMBER SHOWN ABOVE WHEN CALLING FOR FURTHER INFORMATION ABOUT THE CASE.
- * YOU WILL BE APPEARING BEFORE JUDGE DIANNE L SOLOMON.
- * CALL 617-727-4900 IF THERE ARE PROBLEMS. *Gen 470*

349-4123 Dear Nick

Mic 497-6617

*955 Mass
497-6617*

h (dwan) 261-7550

Consent Communication #5

Communication was received from Robert L. Hall transmitting concerns regarding non-payment of wages from an industrial accident incurred while working at Neville Manor.

5-407

In City Council December 18, 1995

Placed on file.