

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

In the Matter of

TOWN OF CHATHAM

and

NEW ENGLAND POLICE BENEVOLENT
ASSOCIATION, LOCAL 115

Case No.: MUP-23-10071

Date Issued: July 9, 2024

COMPLAINT OF PROHIBITED PRACTICE

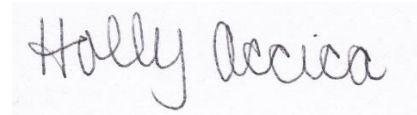
On June 2, 2023, the New England Police Benevolent Association, Local 115 (Union) filed a charge of prohibited practice (Charge) with the Department of Labor Relations (DLR) alleging that the Town of Chatham (Town) had engaged in prohibited practices within the meaning of Section 10(a)(5), and derivatively, Section 10(a)(1) of Massachusetts General Laws, Chapter 150E (the Law). Pursuant to Section 11 of the Law and Section 15.05 of the DLR's Regulations, I conducted an investigation on March 21, 2024.¹ Based on the evidence presented during this investigation, I find probable cause to believe that violations occurred. 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 bargaining representative for a unit comprised of animal control officers and public safety dispatchers employed by the Town.

¹ I conducted the investigation remotely via Webex video conferencing. At both parties' request, I left the investigative record open through April 5, 2024.

4. Prior to March 2023, the Town did not utilize Performance Improvement Plans (PIP) to assess bargaining unit employees' work performance.
5. On or about March 24, 2023, the Town implemented a PIP for Rhiannon Reynolds, a dispatcher and member of the bargaining unit described in paragraph 3.
6. On April 3, 2023, the Union sent the Town a demand to bargain over the implementation of the PIP referred to in paragraph 5.
7. On May 1, 2023, the Town denied the Union's demand to bargain described in paragraph 6.
8. The Town took the action described in paragraph 5 without first providing the Union with notice and an opportunity to bargain to resolution or impasse over the decision and the impacts of the decision to implement PIPs on bargaining unit members' terms and conditions of employment.
9. Employee performance evaluations are a mandatory subject of bargaining.
10. By the conduct described in paragraphs 5, 7, and 8, the Town has failed to bargain in good faith by implementing the use of PIPs without giving the Union prior notice and an opportunity to bargain to resolution or impasse over the decision and the impacts of that decision on employee terms and conditions of employment in violation of Section 10(a)(5) of the Law.
11. By the conduct described in paragraphs 5, 7, and 8, the Town has 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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HOLLY ACCICA, ESQ., INVESTIGATOR