

COMMONWEALTH OF MASSACHUSETTS
BEFORE THE LABOR RELATIONS COMMISSION

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In the Matter of *
*
TOWN OF OXFORD *
*
and *
*
MASSACHUSETTS COALITION OF POLICE, *
LOCAL 173, AFL-CIO *

Case No.: MUP-2659

Date Issued:
August 4, 2004

Commissioners participating:

Allan W. Drachman, Chairman
Helen A. Moreschi, Commissioner
Hugh L. Reilly, Commissioner

Appearances:

Marc L. Terry, Esq. - Representing the Town of Oxford
Leigh A. Panettiere, Esq. - Representing the Massachusetts Coalition of
Police, Local 173, AFL-CIO

DECISION¹

STATEMENT OF THE CASE

1 On April 10, 2000, the Massachusetts Coalition of Police, Local 173, AFL-CIO
2 (Union) filed a charge of prohibited practice with the Labor Relations Commission
3 (Commission) alleging that the Town of Oxford (Town) had violated Sections 10(a)(1) and
4 (5) of M.G.L. c. 150E (the Law). Pursuant to Section 11 of the Law and Section 15.04 of
5 the Commission's Rules, the Commission investigated the charge and, on November 28,
6 2000, issued its own Complaint of Prohibited Practice, alleging that, by requiring

¹ Pursuant to 456 CMR 13.02(1), the Commission has designated this case as one in which the Commission issues a decision in the first instance. 456 CMR 13.02(2).

1 bargaining unit members to obtain advance written permission to wear pins, including
2 union pins, on their uniforms, the Town: 1) failed to bargain in good faith by unilaterally
3 implementing a change in obtaining advance written permission to wear union pins, in
4 violation of Section 10(a)(5) and, derivatively, Section 10(a)(1) of the Law; and, 2)
5 independently interfered with, restrained, and coerced its employees in the exercise of
6 their rights under the Law, in violation of Section 10(a)(1) of the Law.

7 Pursuant to notice, Hearing Officer Ann T. Moriarty, Esq. conducted an evidentiary
8 hearing on June 8, 2001. Both parties had a full opportunity to be heard, to examine and
9 cross-examine witnesses, and to introduce evidence. The Commission received both
10 parties' briefs on July 12, 2001. In its brief, the Union requested that the hearing officer
11 take administrative notice of its written submission filed during the Commission's
12 investigation of this charge for the purpose of noting the date the Union filed its initial
13 written submission, the date on Officer Robert Green's affidavit, and the statement in
14 paragraph 6 of Officer Green's affidavit that, as of the date he wrote that affidavit, it was
15 still permissible to wear guardian angel pins.

16 At the request of counsel for both parties, the hearing officer conducted a telephone
17 conference call on July 17, 2001. During this conference call, the Union amended its
18 request to ask that the hearing officer take administrative notice only of the filing date of
19 the Union's initial written submission in this case. On July 20, 2001, the Town filed its
20 written opposition to the Union's modified request. The Town opposed the Union's
21 request because: 1) the record was closed at the end of the June 8, 2001 hearing; 2) the

