COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
CHARGE OF PROHIBITED PRACTICE
M.G.L. c.150E

DO NOT WRITE IN THIS SPACE

Case No.	Date Filed
MUP-22-9271	05/04/2022

INSTRUCTIONS: Answer all applicable questions. Failing to provide information may result in the dismissal of the charge.

Note: Pursuant to 456 CMR 15.04, the DLR will not issue a complaint unless the charging party has complied with the applicable provisions of M.G.L. c.150E, §§13 and 14.

1. Employer	2. Representative to contact	4. Telephone Number
Medfield Police Department	**Jaime Kenny**	**(781) 924-5796**
3. Address (street and No., city/town, state, and ZIP code)		5. Fax Number
31 Schoosett St. Unit 405		**(781) 924-5798**
6. Employee Organization (if any):	7. Representative to contact	9. Telephone Number
Medfield Police League	**Leigh Panettiere**	**(617) 523-2500**
8. Address (street and No., city/town, state, and ZIP code)		10. Fax Number
44 School St., Suite 1100		**(617) 523-2527**

11. This charge is filed against (check one)

☑ Employer ☐ Employee Organization

12. The above named employer or employee organization has engaged or is engaging in a prohibited practice within the meaning of Massachusetts General Law, Chapter 150E, Section(s) (enter all appropriate sections/subsections)

Please see attached.

Failing to specify an appropriate section/subsection may result in the dismissal of the charge.

13. Summary of basis of Charge (be specific as to names, dates, addresses, etc.)

Please see attached.

By these and other acts, the party complained of has interfered with, restrained, and/or coerced rights guaranteed by the Law.

SANDULLI GRACE, PC
44 SCHOOL STREET
SUITE 1100
BOSTON, MASSACHUSETTS 02108

ALAN H. SHAPIRO
AMY LAURA DAVIDSON
JOHN M. BECKER
LEIGH A. PANETTIERE
JENNIFER N. SMITH
KAREEM A. MORGAN
DANIEL FOGARTY*
JAMES RACINE
LAUREN KOPEC
IAN M. COLLINS
NICHOLAS BALATSOS
CASEY E. BERKOWITZ

JOSEPH G. SANDULLI (1944-2021)
KENNETH A. GRACE (RETIRED)
SUSAN F. HORWITZ (RETIRED)

Tel (617) 877-8067
Fax (617) 523-2527
lpanettiere@sandulligrace.com

***Also admitted in NY**

By E-File

May 3, 2022

Philip Roberts,
Director
Commonwealth of Massachusetts
Department of Labor Relations
Lafayette City Center
2 Avenue de Lafayette
Boston, MA 02111

Re: Town of Medfield and Medfield Police League, MCOP Local 257
Charge of Prohibited Practice – Internal Affairs Investigation

Dear Mr. Roberts:

Enclosed for e-filing, please find a charge of prohibited practice. Thank you for your assistance.

Very truly yours,

/s/ Leigh A. Panettiere
Leigh A. Panettiere

Enclosures

cc: Jaime Kenny, Esq.
Paul Treggiari, president, MCOP Local 257
Craig Chapman, Vice President, MCOP Area 2

14. (a) Is there a collective bargaining agreement that may apply to the conduct that is alleged to have violated the Law? ☐ Yes ☑ No

(b) If you checked "Yes" in question 14(a), please list all of the clauses alleged to apply and attach a copy of each.

(c) Is there a grievance concerning this matter pending? ☐ Yes ☑ No

15. Without limiting your rights to later amend your remedial request, please explain what remedy you seek. Include the amount of any financial remedy to which you claim entitlement.

Please see attached.

16. Have you attempted to settle this case? If not, why not? ☑ Yes ☐ No

Note: The DLR may decline to issue a complaint unless reasonable settlement efforts have been made by the charging party. 456 CMR 15.04(1).

INFORMATION ON CHARGING PARTY

17. Name	18. Representative to contact	20. Telephone Number
Medfield Police League	**Leigh Panettiere**	**(617) 523-2500**
19. Address (street and No., city/town, state, and ZIP code)		21. Fax Number
44 School St., Suite 1100		**(617) 523-2527**

22. The Charging Party is an: ☐ Individual ☑ Employee Organization ☐ Employer

DECLARATION

I have read the above charge of prohibited practice and swear under the pains and penalties of perjury that the information contained in it is true and complete to the best of my knowledge and belief.

Name (print)	Signature	Title (if any)
Leigh A. Panettiere	/s/ Leigh A. Panettiere	**counsel**
Address (street and no., city/town, state, and ZIP code)		Telephone Number
44 School St., Suite 1100		**(617) 523-2500**

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Charge of Prohibited Practice on the following representative of the opposing party.

Name	Address (street and no., city/town, state, and ZIP code)	Telephone Number
Jaime Kenny	**31 Schoosett St. Unit 405**	**(781) 924-5796**
Method of Service ☐ In hand ☐ First Class Mail ☑ Other (specify): **email**		
Signature of Person making Certification		Telephone Number
/s/ Leigh A. Panettiere		**6178778067**

Town of Medfield and Medfield Police League, MCOP Local 257
Attachment to Charge
May 3, 2022

12. Sections of Law Violated:

G.L. c. 150E Sections 10(a)(1), (3) and (5).

13. Summary of Basis of Charge

Facts:

1. At all times prior to March 4, 2022, the Medfield Chief of Police has been aware that the midnight shift is a "reactive" shift due to the fact that night time activity in Medfield (and in surrounding towns) is usually fairly low. Pursuant to longtime practice in the Medfield Police Department, proactive police activity is concentrated on the daytime hours. During the nighttime hours, officers do regular building checks and patrol, and, if those activities do not generate activity, they wait for calls for service to come in.

2. Officers and Sergeants working the midnight shift often spend time in the locker room, the sergeant's office and/or the patrol room, and/or sit in their cruisers in the garage or parking lot, waiting for calls for service to come in.

3. Additionally, because of staffing shortages in the Department, officers and sergeants are routinely forced to work double shifts (sixteen hours in a row), three or more times within their four-shift rotation. Often those double shifts include a midnight shift.

4. The parties are currently in contract negotiations. The Town has not made any proposals to change current practices regarding workload or job duties on any shift.

5. Sergeant Ryan Maxfield, Officer Terrence Teehan and Officer Paul Treggiari have engaged in concerted protected activity for at least the past year, including filing grievances, submitting bargaining proposals, and getting MassCOP counsel involved in contract negotiations for the first time in many years. Their union activities have been more frequent than union activities in the past.

Violations:

Count 1

On March 4, 2022, the Medfield Chief of Police placed Sergeant Ryan Maxfield, Union Secretary/Treasurer, on paid administrative leave, and began a wide-ranging internal affairs investigation, allegedly for "sleeping on duty." The Chief took this action in retaliation for concerted protected activity in violation of G.L. c. 150E Sections 10(a)(3) and (1).

Count 2

On March 7, 2022, the Medfield Chief of Police placed Officer Terrence Teehan, Union Vice President, on paid administrative leave, and added him to the internal affairs investigation of Sgt. Maxfield, again allegedly for "sleeping on duty." The Chief took this action in retaliation for concerted protected activity in violation of G.L. c. 150E Sections 10(a)(3) and (1).

Count 3

On March 14, 2022, the Medfield Chief of Police issued a memorandum requiring a significant increase in job duties and workload on the midnight shift. This action constituted a unilateral change in working conditions in violation of G.L. c. 150E Sections 10(a)(5) and (1), as well as retaliation for concerted protected activity in violation of G.L. c. 150E Sections 10(a)(3) and (1).

Count 4

On March 30, 2022 and April 29, 2022, Chief of Police authorized her hired investigators to subject several junior officers, including some in their probationary period, to questioning in the internal affairs investigation. The Chief took this action in order to intimidate these members out of engaging in concerted protected activity, in violation of G.L. c. 150E Sections 10(a)(1).

Count 5

On April 29, 2022, Officer Treggiari, the Union President, was interviewed by Town Counsel and an investigator employed by the Chief of Police. In the course of the interview, it became clear that Officer Treggiari is also a target of the investigation. The Chief took this action in retaliation for concerted protected activity in violation of G.L. c. 150E Sections 10(a)(3) and (1).

Count 6

In the course of the internal affairs investigation, the Chief of Police has authorized her hired investigators to question union members in a manner that both implicitly and explicitly threatens discipline against them for actions that have been condoned for years in the Medfield Police Department -- including by the current Chief -- in violation of G.L. c. 150E Section 10(a) (1).

Count 7

In the course of the internal affairs investigation, the Chief of Police has authorized her hired investigators to question union members in a manner that both implicitly and explicitly threatens discipline against them for truthfully answering questions regarding other people's actions that have been condoned for years in the Medfield Police

Department -- including by the current Chief -- in violation of G.L. c. 150E Section 10(a)(1).

15. Request for Remedy

1. Cease and desist from retaliating against members for their protected, concerted activity;
2. Cease and desist from intimidating and coercing members of the bargaining unit in the exercise of protected, concerted rights;
3. Make whole any bargaining unit members harmed by the Town's unlawful actions, including reversing any disciplinary action that is taken and reimbursing for lost overtime and details for officers on paid administrative leave; and
4. Post a notice informing all interested parties that the Town violated the Law in this manner.

A detailed position statement will follow.