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***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 – Christine Dinatale

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

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-22-9272	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.

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**

Attachment to Charge of Prohibited Practice
Medfield Police League, MCOP Local 257
May 3, 2022

12. Sections of Law Violated

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

13. Summary of Basis Of Charge:

Facts:

1. For the past several months, the Medfield Police Department has been experiencing a shortage of staffing which has resulted in several officers being "forced" onto shifts in addition to their regular schedule.

2. On Friday, March 18, 2022, Officer Christine Dinatale, who ordinarily worked from 7am-3pm as court prosecutor, or on patrol when necessary, was forced onto the 3pm-11pm shift.

3. That evening, Officer Dinatale reported to the scene of an underage party along with Officer Michael Stanley.

4. After 11pm, while on hour seventeen (17) of Officer Dinatale's work day, the two officers managed to get all of the attendees home.

5. Officer Stanley was on hour nine (9) of his work day and was due back in at 7am.

6. Knowing this, Officer Dinatale told him to write up his notes and leave them for her to write the report on Monday.

7. On Monday, March 21, 2022, the computers were out of service at the Medfield Police Department, which caused the writing of the report to take an extraordinary amount of time.

8. At approximately 2pm on Monday, March 21, the Medfield Chief of Police inquired as to the status of the report and why it was not finished.

9. Officer Dinatale attempted to explain to the Chief of Police that she was entering hour seventeen (17) of her work day on Friday evening and therefore could not finish the report, but the Chief cut her off, stating "I don't want to hear any more of your" while making a hand gesture resembling a mouth opening and closing rapidly. The Chief then ordered her to stay past her shift that Monday and finish the report.

10. On Tuesday, March 22, 2022, the Medfield Chief of Police sent Sergeant Daniel Burgess a text message asking him to order Officer Dinatale to cover a walking beat at the state hospital grounds for the second half of her shift (11am-3pm).

11. Before this incident, no Medfield police officer has ever been assigned to a walking beat at this location, let alone for four hours.

12. Due to the shortage of staff, and a need to fill the midnight shift (11pm-7am), Union officials requested a new shift bid at the beginning of April 2022.

13. On April 11, 2022, the Medfield Chief of Police sent out the new shift bid.

14. Officer Christine Dinatale's position as court prosecutor was not listed on the shift bid, so Officer Dinatale handwrote her former position in the bid, as she had done in the past.

15. On Thursday, April 14, 2022, the Medfield Chief of Police sent Officer Dinatale a text message stating: "Your bid includes a shift that is not listed. I will need you to select 3 bids".

Violations:

16. The Chief of Police violated c. 150E Section 10(a)(1) by saying, "I don't want to hear any more of your" while making a hand gesture resembling a mouth opening and closing rapidly.

17. The Chief of Police violated c. 150E Section 10(a)(3) and, derivatively, (1), by assigning Officer Christine Dinatale to a walking beat which was never before assigned to a Medfield police officer, in retaliation for her protected activity of complaining that her and her coworkers' excessive forced overtime work prevented her from getting her report done.

18. The Chief of Police violated c. 150E Section 10(a)(3) and, derivatively, (1), by eliminating Officer Christine Dinatale's assignment in retaliation for her protected activity of complaining that her and her coworkers' excessive forced overtime work prevented her from getting her report done.

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. Reinstate the position of court prosecutor and allow officers to re-bid for their positions;
4. Make whole any bargaining unit members harmed by the Town's unlawful actions; and
5. Post a notice informing all interested parties that the Town violated the Law in this manner.

A detailed position statement will follow.