



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

June 21, 2021

### REPORT OF THE FINANCE COMMITTEE MEETING AS A COMMITTEE OF THE WHOLE

Attendee Name	Title	Status	Arrived
Jefferson Thomas ("J.T.") Scott	Chair	Present	
Katjana Ballantyne	Vice Chair	Present	
William A. White Jr.	City Councilor At Large	Present	
Mary Jo Rossetti	City Councilor at Large	Present	
Wilfred N. Mbah	City Councilor at Large	Present	
Matthew McLaughlin	Ward One City Councilor	Absent	
Ben Ewen-Campen	Ward Three City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Mark Niedergang	Ward Five City Councilor	Present	
Lance L. Davis	Ward Six City Councilor	Present	
Kristen Strezo	City Councilor at Large	Present	

Others present: Lauren Racaniello-Mayor's Office, Frank Wright-Law, James Stanford-Police, Julie McKenzie-Law, Michael Mastrobuoni-SomerStat and Charles Femino-Police

The meeting was held virtually and was called to order at 5:37 p.m. by Chairperson Scott and adjourned at 6:20 p.m.

- 1. Review of the FY-22 Budget** Councilor McLaughlin was recused from this discussion. Chair Scott stated the purpose of this meeting was to answer questions from previous meeting on the police department and this meeting may go into Executive Session, if needed. If time allows, Councilor Niedergang would like to discuss a document that was sent to the councilors.  
Councilor White had questions that were general to enlighten the public as the city council moves forward regarding reallocating assets that may go to the police department. One of his questions was regarding police department and collective bargaining. Labor Counsel McKenzie read Councilor White's emails and questions that came in over the weekend. She walked through basic public labor laws around work place organizations. Most are represented by labor unions, two collective bargaining agreements and MGL Chapter 150e. The law allows to negotiate in good faith and requires a public notice before transferring work to a non-union employee. Ms. McKenzie stated that changes to pay or benefits including opportunities for regular over time, require good faith bargaining. Violations of

the contract may be grieved. There were questions about how layoffs work. Civilianization would trigger a transfer of work and would need to bargain in good faith.

Councilor Niedergang raised a question about a buy out program and could this be discussed in open session. His question was on whether the city could pay more senior officers to retire earlier to keep the junior officers. He reminded everyone about the \$500,000 cut suggested by Councilor and someone thought it might be a collective bargaining issue.

Councilor White asked follow up questions about transferring a number of positions and if the city and police department come to an impasse. What options would the collective bargain have in this situation? Ms. McKenzie stated the city would not be able to implement the change until they bargained in good faith. If the union does not agree, the commission could be to undo the change and keep talking amongst themselves. The remedy could include monetary back pay to also include loss in overtime.

Ms. McKenzie stated the question about a buyout is not a legal question. She added that it would trigger a bargaining obligation and she does not know how the city could compel a buyout program which would be more of a termination.

Councilor Ewen-Campen asked a question if the councilors cut 75% to the OT line, how would that affect the bottom line for the city and contractual obligations. Ms. McKenzie stated she is not sure how that would impact the obligation. The city is obligated to pay whatever rate is required for the work. The city would be exposed if there is not overtime in the budget to perform certain work. Councilor Ewen-Campen also asked about the status of ongoing negotiations with the police and if the current contract holds until a new contract is negotiated. The current Parole Officers contract expires 6/30/21 and there is an evergreen agreement which means the terms continues until the parties reach a successor agreement. Councilor Clingan asked about the number of officers on a given shift and if that is part of the collective bargain agreement. Ms. McKenzie stated that shifts are not part of the collective bargaining agreement. Councilor Clingan also asked about union positions given to another person, would that be a problem. Ms. McKenzie stated that if the duties are given to people outside of the union, that triggers a bargaining obligation. This would have to be bargained over the impact of how the residual work is distributed.

Chair Scott asked about MGL Chapter 150e good faith bargaining and an Unfair Labor Practice (ULP). Ms. McKenzie stated the litigation process can be lengthy, the individual files a charge and could take a few months. There could be a hearing and a decision could be a year or longer.

Councilor Niedergang addressed the 4-page email describing proposed \$2M+ of cuts. He asked that everyone review for Wednesday night's meeting. This email is attached to the 6 pm finance budget hearing meeting agenda.

## **2. Possible Executive Session re: Collective Bargaining**