



BY-LAW STUDY AND CODIFICATION COMMITTEE

PATRICIA C. HOWE-DIRENZO, Chairwoman
JAMES MOYNIHAN

SCOTT SMITH
MARK WILLIAMSON

26 April 2016

VIA EMAIL

Mr. Paul Follett
Chairman, Finance Committee
Town of North Attleborough
43 South Washington Street
North Attleborough, MA 02760

Dear Chairman Follett:

At our Meeting on Monday 25 April 2016, the By-Law Study and Codification Committee voted as follows:

Article 11, Union Dues: The Committee's vote was based upon the following criteria:

- This article would bar the Town from agreeing to withhold union dues in any successor agreements to the Town's current collective bargaining agreements.
- The Massachusetts Department of Labor Relations has squarely held that agency service fees are a mandatory subject of bargaining.
- The proposed article is unlawful and if adopted would almost certainly result in a charge by the various unions of an unfair labor practice by the Town and in an adverse ruling by the Department of Labor and Relations.

Vote: 3-0-1

Article 12, Removal of Civil Service from Fire Department: The Committee's vote was based upon the following criteria:

- The Town must impact bargain the revocation with the union, such as the rights of existing employees following promotion or recall and the effect on unit positions in the future.
- It seems clear that revocation is not effective until impact bargaining has occurred, at least to impasse.

Vote: 3-0-1

It is important to note that labor counsel for the Town of North Attleborough has reviewed the proposed referenced articles (see attached). Based on their summary opinion as summarized above and the information we know, we do not support the passage of these Articles and strongly urge the Finance Committee to avoid risk of legal or collective bargaining appeals against the Town and vote to indefinitely postpone these Articles.

Respectfully Submitted,
Patricia C. Howe-DiRenzo
Chairwoman

cc: Ronald Lagasse (petitioner), Board of Selectmen,
Town Moderator, and RTM Coordinating Committee