

THE COMMONWEALTH OF MASSACHUSETTS
DIVISION OF LABOR RELATIONS
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July 12, 2010

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RE: MUP-10-5888 CAMBRIDGE HEALTH ALLIANCE/MNA

Enclosed please find a copy of a complaint of prohibited practice issued in the above-captioned matter.

A Division agent will be contacting the parties in the near future to scheduled a pre-hearing conference and a formal hearing.

Please direct all communications regarding this matter to Chief Counsel Erica Crystal at (617) 662-6923.

Very truly yours,
DIVISION OF LABOR RELATIONS

Edward B. Srednicki
Edward B. Srednicki
Executive Secretary

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF LABOR RELATIONS

In the Matter of

CAMBRIDGE PUBLIC HEALTH
COMMISSION d/b/a CAMBRIDGE
HEALTH ALLIANCE

and

MASSACHUSETTS NURSES
ASSOCIATION

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Case No.: MUP-10-5888

Date Issued:

July 12, 2010

COMPLAINT OF PROHIBITED PRACTICE

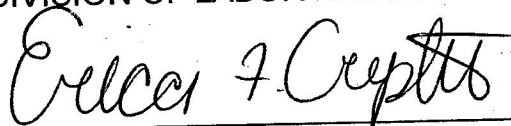
On June 30, 2010, the Massachusetts Nurses Association (Union) filed a charge with the Division of Labor Relations (Division), alleging that the Cambridge Health Commission d/b/a Cambridge Health Alliance (Employer) had engaged in prohibited practices within the meaning of Sections 10(a)(1) and (5) of Massachusetts General Laws, Chapter 150E (the Law).

Pursuant to Section 11 of the Law, as amended by Chapter 145 of the Acts of 2007, and Sections 15.04 and 15.10 of the Division's rules, I conducted an expeditious in-person investigation into these allegations on July 8, 2010. Based on the evidence presented during the investigation, I find probable cause to believe that a violation occurred. Therefore, this Complaint of Prohibited Practice shall issue, and the parties will be given the opportunity to be heard for the purpose of determining the following allegations:

1. The Employer is a public employer within the meaning of Section 1 of the Law.
2. The Union is an employee organization within the meaning of Section 1 of the Law.

3. The Union is the exclusive collective bargaining representative for all Registered Nurses employed at the Cambridge Hospital and its associated health centers and ambulatory sites, nurses working at the Cambridge Public Health Department, and the nurse midwives employed by the Employer out of the Birth Center located at 10 Camelia Avenue, Cambridge, MA, all per diem nurses and nurses in grant-funded positions who work in the above-referenced locations (bargaining unit).
4. The term of the parties' most recent collective bargaining agreement (agreement) was for the period of July 1, 2007 through June 30, 2010.
5. The parties engaged in successor negotiations during May and June 2010.
6. On June 24, 2010, the Employer sent email notification to the bargaining unit employees that it had gone as far as possible in negotiations with the Union and would immediately implement changes in retiree health insurance benefits and that employees would have until July 23, 2010 to file retirement paperwork with the Employer and employees had until August 31, 2010 to retire and still be covered under the current terms of the retiree health benefit.
7. The Employer took the action referred to in paragraph 6, without providing the Union with an opportunity to bargain to resolution or impasse.
8. The future retirement health insurance benefits of current employees are mandatory subjects of bargaining.
9. By the conduct described in paragraphs 6 and 7, the Employer failed to bargain in good faith by failing to give the Union an opportunity to bargain to resolution or impasse over the changes to the future retirement health insurance benefits of active employees in violation of Section 10(a)(5) of the Law.
10. By the conduct described in paragraphs 6 and 7, the Employer has derivatively interfered with, restrained and coerced employees in the exercise of their rights guaranteed under Section 2 of the Law in violation of Section 10(a)(1) of the Law.

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF LABOR RELATIONS



ERICA F. CRYSTAL, ESQ., INVESTIGATOR