

Commonwealth of Massachusetts

Division of Labor Relations

Agency Mission:

The Division of Labor Relations (DLR) was established in November, 2007 pursuant to Chapter 145 of the Acts of 2007. This legislation formally merged the former Labor Relations Commission and the Board of Conciliation and Arbitration. The DLR now consists of 1) A Dispute Resolution Office; 2) An Advisory Council; 3) The Commonwealth Employment Relations Board; and 4) The Joint Labor Management Committee. Although organizationally within the DLR, the Joint Labor Management Committee retains its unique structure and mission. The DLR is administered by a Director who is appointed by the Governor. The Director's duties are set forth in M.G.L. c 23, §§9R(c) and (d).

Office of Dispute Resolution

The Office of Dispute Resolution consists of hearing officers, mediators, arbitrators, investigators and other skilled professionals who attempt, through the use of pre-hearing investigative conferences, hearings, mediation, deferral to arbitration and other dispute resolution procedures, to resolve any labor dispute brought to the attention of the DLR. Such staff may be assigned to investigate labor disputes pursuant to section 11 of M.G.L. c. 150E, to mediate labor disputes pursuant to Section 9 of Chapter 150E, to assist the Joint Labor Management Committee in the investigation of disputes involving municipal police and fire departments and to perform such other duties as the DLR may require.

Advisory Council

The Advisory Council is a 13-member body comprised of five members or representatives of public sector labor Unions, five representatives of public sector managers, including the Director of Employee Relations for the Commonwealth, and three at-large members, all of whom are appointed by the Governor. The Advisory Council advises the DLR concerning policies, practices and other matters that may assist the DLR in discharging its labor relations duties. The Advisory Council also screens, interviews, and submits names to the Governor for the positions of CERB Chair, CERB members, and DLR Director. The Advisory Council is required by statute to meet at least four times a year.

The Commonwealth Employment Relations Board

The Commonwealth Employment Relations Board (CERB) is the adjudicatory body within the DLR responsible for reviewing orders and issuing decisions under M.G.L. c. 150E and M.G.L. c. 150A. The CERB is comprised of one full-time chair and two per diem Board members, who are appointed by the governor for staggered five year terms. The duties and qualifications of CERB members are set forth in M.G.L. c. 23, §§9R (a)-(c).

Mission Statement:

As set forth in M.G.L. c. 23, §90:

It is hereby declared to be the public policy of the commonwealth that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes; and it shall be the responsibility and objective of the division to take such steps as will most effectively and expeditiously encourage the parties to a labor dispute to agree on the terms of a settlement or to agree on the method and procedures which shall be used to resolve a dispute.

It is recognized that that a constructive and harmonious long-term collective bargaining relationship is the most positive way to avoid labor disputes and, such a relationship can be effectively developed in the public sector through the use of joint labor management committees.

Publications:

All final Board decisions are written and are published for the benefit of the public and the labor community in the Massachusetts Labor Cases, a private reporter service. The Board's decisions also are available by Internet subscription through the Social Law Library.

Massachusetts Joint Labor Management Committee for Municipal Police and Fire

Agency Mission:

The purpose of the Joint Labor-Management Committee is to encourage parties to collective bargaining disputes involving municipalities and their police officers and fire fighters to agree directly on the terms of such agreements or on a procedure to resolve disputes. In difficult cases, the Committee may, in addition to mediation and conciliation, use fact-finding, limited arbitration, or other methods of dispute resolution using outside neutrals or members of the Committee. The Committee makes every effort to achieve voluntary settlements and to encourage a constructive long-term relationship between parties. In fulfilling its mission, the Committee relies on the unique tripartite membership drawn from the leadership of statewide police and fire fighter organizations, municipal management and public neutrals. The Committee also serves as forum for discussion of larger issues of mutual concern to municipal management, police and fire fighter organizations and the public.

Structure:

The Committee's tripartite structure is comprised of twelve members (six management, three police union and three fire union) who are appointed by the Governor for overlapping three year terms from nominations by their respective municipal and union organizations. Members (and alternate members) serve without compensation, and form the strength of the agency by virtue of their peer approach in dispute resolution. Members nominate to the Governor a neutral chairman and vice chairman, also for three-year terms. Richard M Reilly was appointed Chairman of the Committee in June, 2010. The Honorable Samuel E. Zoll (Ret.) was appointed Vice-Chairman Chairman Emeritus in June of 2010. The staff consists of two senior staff representatives (one each from labor and management backgrounds) as an extension of the peer utilization approach, plus two neutral field investigators.

**COMMONWEALTH OF MASSACHUSETTS
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*Information compiled by New England Consortium of State Labor Relations Agencies