

October 2008

When Will the JLMC Act on Boston Firefighters' Contract?

State committee was established to resolve public safety disputes, not extend them

The state Joint Labor-Management Committee (JLMC) took jurisdiction of the City of Boston's contract dispute with firefighters IAFF Local 718 on February 7, 2008. Almost ten months later, there is still no resolution to this case, nor any indication of what issues an arbitrator would address or what form of arbitration would be utilized. In a little over a month, this dispute will reach three years since negotiations began in December 2005. The contract expired on June 20, 2006, over two years ago.

The JLMC has concluded its 3(a) investigative session to hear from both parties about the issues still in dispute and their views of what issues should be considered by the arbitrator. The JLMC's three-member panel in this dispute has met once to discuss the issues to be selected and will meet privately again on Wednesday, November 5. The JLMC has scheduled a regular meeting for Thursday, November 6 at which time the panel could report which issues it will address if it has concluded discussions.

The JLMC seems determined to delay this case in hopes that the two parties would eventually negotiate a contract by themselves, thereby eliminating the need for the JLMC to act.

The issue of mandatory annual drug and alcohol testing is a key factor in this decision. The firefighters have made it clear they do not believe the JLMC should address this issue and have suggested they will go to court to prevent drug testing from being imposed through arbitration. The City has presented case history of the JLMC including drug and alcohol testing in final decisions even when it was not included in the

initial list of issues at the time when the JLMC was petitioned to take jurisdiction of the case.

This dispute came to the JLMC because the parties had reached impasse after almost two years of unproductive negotiations. Mediation sessions over nine months with JLMC staff and later a private mediator have also not been successful. The JLMC should identify the issues to be addressed and the date certain for the start of arbitration. The parties can still negotiate a contract if they are serious or await the arbitrator's decision. The Bureau continues to be concerned about the possibility that the arbitration process will limit the number of issues that actually will be addressed.

JLMC Action in 2008

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| ■ February 7 - JLMC voted to take jurisdiction of the Boston case |
| ■ February 27 - JLMC held first mediation session |
| ■ May 8 - JLMC voted to move to arbitration but did not set date |
| ■ May – September - mediation sessions held with a private outside mediator for JLMC |
| ■ October 6 & 8 - Two closed JLMC 3(a) investigative hearing sessions to discuss dispute status & issues presented by parties |
| ■ October 10 - JLMC 3-member panel meets privately to determine issues for arbitration |
| ■ November 5 - JLMC panel will meet again to identify issues for arbitration |
| ■ November 6 - JLMC regular meeting |