

JLMC Approves Arbitration for Firefighters' Contract

City limits issues submitted for arbitration

One year and five months after the City petitioned the state Joint Labor-Management Committee (JLMC) to take jurisdiction of the firefighters' contract dispute, the JLMC on January 8, 2009 voted to appoint an arbitrator and certified the issues for arbitration between the City and the firefighters, IAFF Local 718. The City limited its negotiation issues to four to strengthen its case for mandatory annual alcohol and drug testing.

The City has proposed a three-year contract (FY07-FY09) with salary increases at about 10%, retroactive for only one year. The union is seeking a five-year contract (FY07-FY11) retroactive to July 1, 2006. Issues certified for arbitration are shown below.

- City
 - Drug and alcohol testing
 - Health insurance changes
 - New acting out of grade plan
 - Sick leave controls

- Union
 - Increased longevity pay
 - Hazardous materials pay
 - Stipends for special companies
 - Enhanced residency plan
 - Sick leave swap plan

The JLMC appointed Dana Eichen, an arbitrator from New York to serve as the independent member of the three-member arbitration panel that will also include a management and a fire representative.

The union member of the panel voted against certifying alcohol and drug testing as an issue for arbitration. The union has taken the position that alcohol and drug testing should not be decided by arbitration but should be negotiated between the Mayor and the union. The union member also requested that the JLMC request the state Department of Revenue (DOR) to conduct a financial audit of the City before arbitration proceeded. This recommendation was not approved.

The request of the DOR audit is considered a delaying tactic by the union since DOR has indicated that it could not complete such a study until August 2009. The union has indicated that it may go to court to require the DOR financial audit and to prohibit alcohol and drug testing from being one of the issues for arbitration.

Vehicle Maintenance

One of the downsides of binding arbitration is that fewer issues are generally addressed than would be in a negotiated settlement between the two parties. One topic the Menino Administration did not include in its list of arbitration issues was the civilianization of the vehicle maintenance operation, which would allow trained civilian mechanics to replace firefighters now holding those positions. The Mayor has since ordered four vacant positions to be filled by trained civilian mechanics. Which union these mechanics will be members of has not been resolved yet.