



# Professional Fire Fighters of Massachusetts

*Affiliated with the International Association of Fire Fighters AFL-CIO CLC*

## **MASS MUNICIPAL ASSOCIATION EXPLOITS POLICE REFORM TO ATTACK ALL PUBLIC WORKERS, MAKE THEM AT-WILL EMPLOYEES, AND END ACCOUNTABILITY IN HIRING/FIRING**

The Professional Firefighters of Massachusetts (PFFM), representing over 12,000 active and retired firefighters, believes that the ongoing nationwide discussions about police, race and community relations present an opportunity to improve police training and standards. We, along with the Massachusetts Law Enforcement Policy Group and Black and Latino Legislative Caucus, support the promotion of diversity, bans on chokeholds and excessive force, standardized training of procedures and protocols, and an independent body including law enforcement experts to oversee accreditation and certification.

While we support these reforms, we strongly reject the Massachusetts Municipal Association's (MMA) attempt to hijack this critical and needed discussion to achieve long-held goals to strip public employees of due process and collective bargaining, and to convert all public employees to essentially at-will employees. At the core, Black Lives Matter and other racial and social justice organizations are fighting for due process and fair and equitable treatment. These are the exact same ideals the labor movement has been fighting for since its inception.

**The PFFM stands ready to engage the MMA in a full public dialogue of these issues, calls for full public hearings related to these topics, and looks forward to educating the Massachusetts Legislature and the general public based on the merits of these policy issues without hijacking the moment to benefit municipal management to the detriment of public employees.**

The MMA believes that S.2800 does not go far enough to insulate municipal officials from accountability. They are using police reform conversations to seek:

- Elimination of civil service that ensures hiring and promotion decisions are free from bias, politics and discrimination
- Permanent at-will employment for public employees that makes discipline decisions nearly immune from challenge
- Eliminate mediation procedure for public safety contract disputes that has existed in various forms for 45 years

Municipal officials regularly and repeatedly fire or discipline employees, including police officers, teachers, firefighters, and custodians, for reasons that are petty, frivolous, vindictive, and discriminatory. Arbitration and civil service, rather than protecting bad employees, hold municipalities accountable by providing a means to ensure that personnel decisions are fair, objective, consistent, and rendered in good faith.

**The PFFM adamantly opposes MMA's inconsiderate exploitation of important social justice movements to further its unwarranted legislative priorities.**

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## Civil Service

The MMA seeks to gut Civil Service, but they fail to acknowledge that Civil Service has existed in Massachusetts for more than 100 years to ensure that personnel decisions, including hiring, promotion and discipline, are not based upon patronage, bias, or discrimination, and are instead guided by “basic merit principles.” Civil Service rules apply only in communities that have voted to accept Civil Service and major cities that understand the role.

The MMA contends however that discipline of ANY public employee should NOT be appealable to the Civil Service Commission or subject to being overturned administratively. Since 2006, the Commission has reversed discipline, in whole or in part, only 21 percent of the time. That rate was even lower in 2019.

<https://www.mass.gov/doc/2019-calendar-year-statistics/download>

In other words, public employees having a right to a fair hearing, with the chance to prevail just one-fifth of the time, is too much due process for municipal officials to accept.

## Collective Bargaining

By recommending the removal of many subjects from collective bargaining law, the MMA is essentially engaging in union-busting. For decades, public employees have had the right to negotiate terms and conditions of employment. Most collective bargaining agreements – including those for teachers, custodians, clerical staff, firefighters, and yes, police – provide for “just cause”. Just cause has existed for nearly 100 years and provides a basic due process: a right to notice about policies, a right to be interviewed in an investigation, a right to fair investigations, a right that discipline be issued consistently and without favor or discrimination, and a right to progressive discipline.

Many contracts for municipal executives and department heads also require that discipline be for “just cause.”

MMA proposes to prohibit bargaining about just cause and workplace due process, and to impose at will employment on all public employees. That means, MMA wants the right to discipline or fire any public employee for any reason, including no reason or bad reasons, without the possibility of municipal officials being held accountable.

To justify plunging Massachusetts labor law back to the 19<sup>th</sup> Century, the MMA cites a “2017 study of police contracts, which details the many ways that collective bargaining statutes have led to arbitration requirements and other provisions that undermine the ability of municipalities to hold officers accountable for misconduct.” However, that study reviewed just ONE or TWO Massachusetts police contracts. The only objectionable provision identified for Boston police contract, for instance, was arbitration of discipline, a longstanding provision for all public and private sector union contracts.

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## Joint Labor Management Committee (JLMC)

Once again, the MMA is again engaging in union busting by suggesting that the Massachusetts JLMC be significantly curtailed. Contract mediation and arbitration generally has existed for public safety unions for about 45 years.

MMA wants to prohibit public safety unions from bargaining about anything other than economic items. MMA does not want unions to be able to demand bargaining on fair and objective promotions, training, or basic health and safety standards.

MMA goes so far as to propose to prohibit unions from matters they already cannot demand bargaining about – such as hiring practices, exiting Civil Service, and decisions to require body-worn cameras. MMA therefore is misleading the public about the scope of existing bargaining obligations in order to justify eliminating limited bargaining obligations that exist.

Signed by,

Professional Fire Fighters of Massachusetts Executive Board

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