

Bond Case Briefs

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COLLECTIVE BARGAINING AGREEMENT - MASSACHUSETTS

City of Boston v. Boston Police Superior Officers Federation

Supreme Judicial Court of Massachusetts, Suffolk - August 9, 2013 - N.E.2d - Mass.

City moved to vacate arbitration award finding that city violated collective bargaining agreement and awarding police officer damages and reinstatement to his original position.

The Supreme Judicial Court held that provision in collective bargaining agreement prohibiting the transfer of certain union representatives between stations or assignments impermissibly delegated police commissioner's statutory power to assign and organize officers and thus, grievance arbitrator exceeded his authority in reversing police officer's transfer.

Considerations of public safety and a disciplined police force require managerial control over matters such as staffing levels, assignments, uniforms, weapons, definition of duties, and deployment of personnel. The deployment of officer personnel to meet the tasks and responsibilities of the department is a fundamental and customary prerogative of municipal management which falls squarely within the police commissioner's authority.

Police commissioner's nondelegable managerial authority to transfer police officers could not be delegated to an arbitrator pursuant to provision of collective bargaining agreement, even if the city and the union consented to the provision.