



M.O.S.E.S. MONITOR

December 2015

MOSES Members Honored with Prestigious Carballo Award for Excellence



Tim Dame (left), investigator with the MassDEP's Environmental Strike Force, and MOSES President Joe Dorant celebrate his Carballo Governor's Award for Excellence in Public Service recognition.

Smile, You're on Candid Camera!

MOSES member **Tim Dame** of the DEP's Environmental Strike Force in Boston was named one of 11 recipients of the Manuel Carballo Governor's Award for Excellence in Public Service.

This award is named in honor of the late Secretary of Human Services and is given to employees who exemplify the highest standards of public service.

Tim was honored for his work on MassDEP's "Candid Camera Program," a joint effort with local officials and law enforcement to strategically place cameras in areas noted for illegal heavy trash dumping, catching the offenders in the act and bringing them to justice. Tim explains, "We use a range of equipment that suits a municipality's budget. Active hotspots in larger cities might warrant HD cameras broadcasting a live signal off site, but in most cases we harness the equivalent of 'paperclips and bubblegum' to deploy simple cameras, retrieving and reviewing the recordings later."

Through his efforts, numerous debris-strewn sites across the Commonwealth have been cleaned up, thousands of dollars in fines have been levied and natural resources have been protected from further harm.

MOSES President Joe Dorant, an environmental engineer with DEP, shares, "Tim is just one example of the dedication and commitment of MOSES members on behalf of the Commonwealth. His dedication and ingenuity have made him a key part of the

Environmental Strike Force for the 'Candid Camera' project as well as many other environmental efforts."

MassDEP is responsible for ensuring clean air and water, safe management and recycling of solid and hazardous wastes, timely cleanup of hazardous waste sites and spills and the preservation of wetlands and coastal resources.

If a Tree Falls in the Forest...

MOSES members **Joe Nawrocki, Steve Orlik** and **Eric Reynolds**, of DCR's Mount Tom State Reservation Microburst Clean-Up Team, were one of 11 Manuel Carballo Governor's Award for Excellence in Public Service earned in 2015. They were the second MOSES members this year to receive this prestigious honor.

On October 8, 2014, a microburst struck the Mount Tom State Reservation. Nearly a mile of Christopher Clark Road (just off Route 141 in Easthampton) was the scene of hundreds of uprooted, snapped, twisted and downed trees, some as tall as 50 feet.

The area was expected to remain closed to motor vehicle traffic for ten months, but the DCR "Clean-up Team," which maintains the 2.161-acre reservation, worked 12-hour days to accomplished this seemingly insurmountable task in two weeks.

In record time, the team was able to clear back 25-30 feet off the edge of the approximate one mile of devastation; remove all of the woody material and even sell some usable lumber, giving back to the state approximately \$5,000.



Governor Charlie Baker (back) and former DCR Commissioner Carol Sanchez (front left) present DCR's Mount Tom State Reservation Microburst Clean-Up Team, (l-r) Ken Collette, Joe Nawrocki, Steve Orlik and Eric Reynolds, with the Manuel Carballo Governor's Award for Excellence in Public Service.

Dear MOSES member,

The early retirement of over 300 MOSES members has certainly impacted many of our represented agencies. The mantra of doing more with less is clearly being felt and yet you continue to do the jobs that are given to you. Many of you have seen the Constant Contact messages that have highlighted several of our members who were recognized for their achievements over the last few months. We are especially proud of our two Carballo Award recipients headlined on the front page, Tim Dame from DEP and The DCR Mount Tom Microburst Team. I congratulate all of you who were recognized for your accomplishments. The awards clearly demonstrates the extraordinary work you do for the Commonwealth.

If you are a Commonwealth Collective Bargaining member (Executive Branch) you should have received a printed copy of the latest contract. The MassDOT Collective Bargaining Committee is finalizing their contract and will be getting it to the printer shortly. The MWRA Collective Bargaining Committee is working on corrections to their contract and will let the members know about the adjustments in the near future. If you are a Commonwealth member and have not received a copy of the contract please contact Greg Ringdahl (Membership Services) in the MOSES office or by email: gringdahl@moses-ma.org.

Legislatively, MOSES has been very busy over the fall. Many of our members joined me to testify at the State House on numerous bills that were either filed by MOSES or supported by our organization. We have also worked successfully with our Congressmen and Senators in Washington DC to prevent language, in the recently passed transportation reauthorization bill that would have mandated or incentivized the use of consultants on transportation projects. Please read Rob Oftring's report in this newsletter. Rob, the newest member of the MOSES staff is immensely talented and we are most fortunate to have him working for us. Rob's knowledge of the workings of Beacon Hill will serve us well in the years ahead. If you have any questions on legislative issues, please contact him at roftring@moses-ma.org.

The Health and Welfare Trust has mailed out the reimbursement forms for 2015. Last year the trust paid out over \$2.5 million in claims for 2014. If you have not received your forms please contact Janet Vitiello in the MOSES office or by email: jvitiello@moses-ma.org. Questions regarding your reimbursements should be made to the Trust Administrator, Dan McGillicuddy, by leaving a message at 617-367-2727 Ext 326 or by email: maclaimsprocessing@hotmail.com.

Over the past couple of years, I have had the opportunity to serve as the MOSES/ Labor representative on a number of boards and commissions. Participating on these committees allow me to express our concerns about issues important to MOSES and the taxpayer as well as emphasize the extraordinary work you do. A few committees that I serve on that I believe are important to the membership are; The Commonwealth Health and Safety Advisory Committee, the Public-Private Partnership Commission and the Massachusetts STEM (Science, Technology, Engineering and Math) Advisory Council.

The MOSES general membership meetings continue to be the second Tuesday of each month. It would be nice to see more of you attend these meetings when they are near your home or work. Lastly, the holiday season is here. Please take the time to enjoy your family and friends during this joyous time.

Happy Holidays !

Joe

Legislative Update – Fall 2015

By Robert Oftring, Legislative Director

The Legislature was back in full swing after a summer recess that ended after Labor Day, and with their return the fall has proven to be a very busy time for the legislative program at MOSES. MOSES President Joe Dorant and I have been busy meeting individual lawmakers on Beacon Hill, testifying at numerous bill hearings, and attending various events with a number of elected officials.

Bill Hearings

Over the course of the past two months, 10 MOSES backed bills have been heard by various committees on Beacon Hill. MOSES President Joe Dorant and a number of MOSES members have provided critical testimony in support of our proposed legislation. Below find a synopsis of the MOSES backed bills that have been heard this fall, along with a summary of both the legislation and the MOSES action taken on the bill:

9/15/15 - Joint Committee on Public Service Hearing:

1. House Bill 2380, An Act relative to employees of the Commonwealth required to respond to crime scenes (Filed by Representative Naughton):
 - BILL SUMMARY: This bill would transfer MOSES members required to respond to crime scenes into Group 2.
 - MOSES ACTION: MOSES President and MOSES members from the State Police Crime Laboratory and the Department of Environmental Protection testified as part of a panel. MOSES also collected over 30 letters from our members in support of the bill.
2. House Bill 2219/2298, An Act designating certain employees of the Massachusetts Department of Transportation to be in Group 2 of the contributory retirement system (Filed by Representative Chan and Representative Garballey, respectively):
 - BILL SUMMARY: These identical bills would transfer MassDOT Highway construction and maintenance personnel, including MOSES members who work in the field, into Group 2.
 - MOSES ACTION: MOSES President testified in support of these two bills. MOSES also worked with MassDOT members to collect over 45 letters of support for the bill.

10/6/15 - Joint Committee on State Administration and Regulatory Oversight Hearing:

3. Senate Bill 1697, An Act to promote safety, efficiency and accountability in transportation projects through public inspections (Filed by Senator Moore):
 - BILL SUMMARY: This bill would mandate public employees inspect and oversee all federal and state funded transportation projects.
 - MOSES ACTION: MOSES President Joe Dorant testified in support of the bill and provided compelling testimony demonstrating the costs and public safety risks associated with contracting out inspectional oversight on transportation projects.
4. Senate Bill 1702, An Act relative to protecting the taxpayers of the Commonwealth (Filed by Senator Pacheco):
 - BILL SUMMARY: This bill would include design, engineering and inspectional services into the Taxpayer Protection Act (Pacheco Law).
 - MOSES ACTION: MOSES President Joe Dorant testified in support of the bill. MOSES has also met with various members of the Committee to promote the bill.

10/20/2015 - Joint Committee on Public Service Hearing:

5. House Bill 2384, An Act authorizing certain public employees' creditable retirement service (Filed by Representative O'Day):
 - BILL SUMMARY: This bill would allow all state employees to buy back up to 4 years of service for time served in the Peace Corps, AmeriCorps or other similar service programs.
 - MOSES ACTION: MOSES assembled a panel consisting of former MOSES member Russ Gaulin, a representative of the Boston Area Returned Peace Corps Volunteers (BARPCV), and Representative O'Day to testify in support of the bill. The National Peace Corps Association (NPCA) also submitted a letter in support of the bill. MOSES will work with the NPCA and the BARPCV on outreach to the public service committee to further support the bill.

10/20/2015 - Financial Services Hearing:

6. House Bill 901, An Act relative to Lyme disease treatment coverage (Filed by Representative Linsky):
 - BILL SUMMARY: This bill would require insurers to cover antibiotics to treat chronic Lyme, something they are not currently required to cover because they claim the treatment is 'experimental in nature'.
 - MOSES ACTION: MOSES President Joe Dorant and MOSES Board Member Darryl Forgione testified in support of this bill. Chairman James Eldridge commented that it was imperative to have 'an organization like MOSES come out in support of the legislation'.

10/27/2015 - Public Service Hearing:

7. House Bill 2433 and Senate Bill 1402 Acts Relative to Regulating Employee Benefits (Filed by Representative Walsh and Senator Spilka):
 - BILL SUMMARY: These identical bills would extend line of duty benefits (one time pay-out of \$150K) to MassDOT employees killed on the job. This bill was filed for former MassDOT employee and MOSES member Greg Vilidnitsky.
 - MOSES ACTION: MOSES submitted written testimony along with letters of support from MassDOT District 3 folks in support of the bill. MOSES will also support House Bill 2365, filed by Jay Livingstone, which would extend line of duty death benefits to all public employees. UPDATE: These bills have been reported favorably from the Committee on Public Service and referred to the Senate Committee on Ways and Means.

11/9/2015 - State Admin and Oversight Hearing:

8. House Bill 3519 An Act relative to privatization contracts (Filed by Representative Donahue):
 - BILL SUMMARY: Would include planning, design and engineering services under the umbrella of the Taxpayer Protection Act.
 - MOSES ACTION: A mirror bill, S1702 Relative to protecting taxpayers of the Commonwealth was heard by the same committee on 10/6, at which time MOSES testified. This time around, MOSES has submitted written testimony to the committee.

For a complete list of bills filed by MOSES, or if you know of other state legislation that you believe MOSES should be tracking, feel free to reach out via the email @ rofring@moses-ma.org .

Federal Surface Transportation Authorization Legislation

For years Congress has been unable to act on a long-term surface transportation authorization bill that would fund highway transportation projects. Their alternative has been to fund 36 short-term (3-6 month) mini-authorizations that have left state transportation departments like MassDOT unsure and/or unable to make long-term plans in regards to available Federal transportation dollars.

2015 has seen a marked shift in this pattern. In July, the US Senate was able to pass a 6 year surface transportation authorization bill that would guarantee increased highway and public transportation investment for the next three years and distribute six years of contract authority to the states to aid in long-term transportation planning. In October, the House passed a similar bill.

MOSES has been working with our national affiliate, the National Organization of State Highway Transportation Unions (NASHTU), to ensure our voice is heard on Capitol Hill throughout this process. MOSES recently returned from a trip to Washington, DC where we met with members of the Massachusetts Federal Delegation, including Congressman Capuano, a major player in the legislation, to fight against language in the final bill that would “mandate” or “incentivize” outsourcing on transportation projects. Through our work with NASHTU, we were successful in this endeavor. This is a major victory for MOSES and our NASHTU partners.

Barack Obama signed a compromise bill on December 4th, 2015 with no outsourcing mandates or incentives. It also provides Massachusetts with \$5 Billion dollars in federal transportation dollars over the next 5 years, an increase of over 9%.

Area Legislators Highlighted at Regional General Membership Meetings

MOSES has been inviting legislators to general membership meetings across the state in order to familiarize our membership with area legislators and give those legislators a better understanding of our organization and our values. Representative Aaron Vega (Holyoke) spoke at our October general membership meeting in Holyoke and Representative Donahue (Worcester) spoke at our November general membership meeting in Worcester. MOSES will continue to invite area legislators to general membership meetings going forward and encourages our membership to attend in part to meet your local elected official!

2nd Plymouth and Bristol District Special Election Victory

A special election in the 2nd Plymouth and Bristol district to replace the late Senator Tom Kennedy was held on November 3rd. The Senate District includes the city of Brockton and the towns of Halifax, Hanover, Hanson, Whitman, and parts of East Bridgewater and Easton. MOSES endorsed and supported Representative Mike Brady of Brockton, who has been a friend to labor and a fierce anti-privatization advocate in the State House. Thanks in part to the collective efforts of MOSES and other labor unions, Mike Brady won the election and now becomes a State Senator. This is great news for MOSES since we now have a fierce labor advocate and friend needs our organization in the Senate.

Legislative Holiday Break

The legislature closed the first year of their two-year session on November 18th with plans to return for the second year of session in January, 2016. MOSES will capitalize on this downtime by scheduling ‘meet and greet’ meetings with legislators to re-introduce our organization and its value. MOSES has already met many legislators this fall and plans to meet with many more between now and January, 2016.



Ski/Snowboard Discounts for MOSES Members
2015/2016 Season



Great news—MOSES has once again been able to secure the following discounts to Pats Peak in Henniker, NH, Okemo Mountain Resort, Ludlow, VT, and Waterville Valley Resort in Waterville Valley, NH.

Pats Peak Henniker, NH

New E-TICKET valid any day of the week! Order on line using the code **MOSES** and go directly to the Ticket Window. Go to www.employeeactivities.com/patspeak for MOSES member discounts.

Okemo Mountain Resort, Ludlow, VT - Tickets are available electronically only.

Purchasing discounted lift tickets has never been easier! Follow these 3 easy steps;

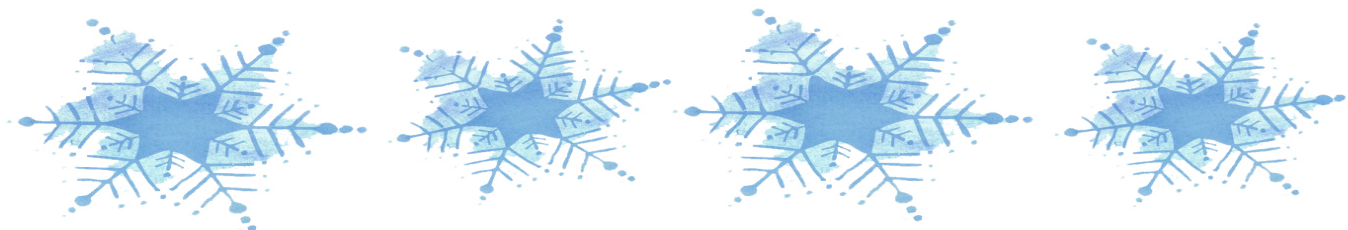
- 1) Log onto <https://tickets.okemo.com>
 - 2) Enter password **moses**
 - 3) Purchase tickets
-

Waterville Valley Resort, Waterville Valley, NH

Tickets are available electronically only.

Go to <https://store.waterville.com/grplogin.aspx> Group Name: **moses** PW: **WVresort** to purchase the ticket on-line.

Savings are varied. Check out each website for additional information.



**Have you moved? Changed your e-mail address? Changed your phone numbers?
Not getting our Constant Contact messages?**

Please notify the MOSES office so that we can keep in touch with you. Call Greg at 617-367-2727, Ext 313 or email gringdahl@moses-ma.org or use the contact us on the MOSES web page.

WEINGARTEN RIGHTS INFO

By Eric Klein, Associate Counsel

We have received several inquiries regarding MOSES members' right to union representation in supervisory meetings and investigations. The right to union representation in certain situations, i.e the "Weingarten" right, is a fundamental tenet of collective bargaining. Rank and file members and stewards alike should be cognizant of when it does, or does not, apply, and the representative's role in a "Weingarten" meeting.

As a general rule, an employee is entitled to union representation in a meeting that he or she reasonably believes may result in discipline. The "reasonableness" of that belief will depend on the individual case. A meeting to discuss expectations or job performance (e.g. EPRS meetings), without more, does not give an employee the right to union representation. It should be noted, however, that the employee remains free to ask if he or she may have a union representative present. The employer is not required to allow it, but it might be fruitful for it to do so.

In most cases, the employee will know whether the meeting could result in discipline. While not required, agencies often notify the employee of the meeting's purpose and remind the employee that he or she has the right to have a union representative present. When unsure, the employee may ask whether the meeting could result in discipline. If the answer is "yes" or "possibly," the employee should state immediately that he wants union representation (assuming he/she does). The employee should then locate and inform the appropriate shop steward of the situation. The steward should notify the MOSES office of the issues, if known, so that the legal staff may advise accordingly. It should be noted that it is the employee's burden to assert his/her Weingarten rights; the employer need not provide the opportunity unless the employee does so. As soon as the employee requests union representation, the employer must:

- Grant the request and postpone the meeting until the union representative arrives and has a chance to meet privately with the employee.
- Deny the request and end the interview immediately, or;
- Give the employee the choice of continuing without representation or ending the interview.

An employer's failure to meet this obligation amounts to a prohibited practice, and can result in a disciplinary action being overturned.

Where a decision has already been made, Weingarten does NOT apply. If the employer merely intends to notify the employee of its decision, it is no longer an investigation, i.e the employer is no longer seeking to elicit information. Representation is not warranted at this stage.

In "Weingarten" meetings, the employer cannot silence the union representative. The representative is free to speak, ask for clarification, provide additional information or context, and suggest witness or other avenues of investigation.

MOSES members should contact their shop stewards when confronted with a questionable situation. If no steward is available, members are always encouraged to call the MOSES office for clarification and advice.

MOSES MONITOR
90 North Washington Street
Boston, MA 02114

General Membership Meetings

MOSES holds nine General Membership meetings a year at various locations around the state. All MOSES members in good standing are invited. Dinner is provided. Come to learn what's going on with your Union, to meet old friends, or to make new ones. Dinner starts at 6:00 p.m.; the meeting begins at 7:00 p.m.

January 12, 2016 General Membership Meeting – Aegean Restaurant, 257 Cochituate Road, Rte 30, Framingham, MA 01701, 508-879-8424

From the Mass Pike I-90 East or West Take Exit 13 to Natick/Framingham - After toll booths, stay RIGHT to Framingham RIGHT on Cochituate Road for 4 lights, ~1 mi our restaurant is on the left. Continue just ahead to next light & turn back. From Route 9 East or West in Framingham Take Route 126 North (Route 126 is West of Shopper's World) At 1st light turn RIGHT on Cochituate Road our restaurant is just ahead on the right.

February 9, 2016 General Membership Meeting - Stoneforge, 90 Paramount Drive, Raynham, MA 02767 (508) 977-9845

Directions: From Route 24 (North or South) take Exit 13A (Route 44 East). Go to the second set of lights and take a right on to Paramount Drive in the Raynham Woods commerce park. At the second break in the divided road, reverse direction on Paramount Drive. Take your first right into the Stoneforge parking lot.

MOSES will be periodically publishing a legal corner where the MOSES lawyers will respond to a question from the membership. If you have a question about the application of your contract, the public employees' bargaining law or even the National Labor Relations Act, the FMLA, FLSA' please send it to the MOSES email address jvitiello@moses-ma.org and questions will be selected as the subject for a brief MOSES Monitor column.