



COMMONWEALTH OF MASSACHUSETTS
DIVISION OF LABOR RELATIONS
CHARGE OF PROHIBITED PRACTICE
M.G.L. c.150E

DO NOT WRITE IN THIS SPACE

Case No.

MUP-20-8227

Date Filed

10/07/2020

INSTRUCTIONS: Answer all applicable questions. Failing to provide information may result in the dismissal of the charge. File an original and two (2) copies of this form with the Division.

Note: Pursuant to 456 CMR 15.04, the Division will not issue a complaint unless the charging party has complied with the applicable provisions of M.G.L. c.150E, §§13 and 14.

1. Employer Town of Lanesborough	2. Representative to contact Kelli Robbins, Town Mgr.	4. Telephone Number 413-442-1167
3. Address (street and No., city/town, state, and ZIP code) Town Hall, 83 North Main Street, PO Box 1492, Lanesborough, MA 01237		5. Fax Number 413-443-5811
6. Employee Organization (if any): Lanesborough Police Officers Assn, L. 390 MASS	7. Representative to contact Terence E. Coles	9. Telephone Number 617-367-7200
8. Address (street and No., city/town, state, and ZIP code) Pyle Rome Ehrenberg, PC, 100 Main Street, 3rd Flr., Northampton, MA 01060		10. Fax Number 617-367-4820

11. This charge is filed against (check one)

☒ Employer ☐ Employee Organization

12. The above named employer or employee organization has engaged or is engaging in a prohibited practice within the meaning of Massachusetts General Law, Chapter 150E, Section(s) (enter all appropriate sections/subsections)

10(a)(1) and (5)

Failing to specify an appropriate section/subsection may result in the dismissal of the charge.

13. Summary of basis of Charge (be specific as to names, dates, addresses, etc.) Attach addition sheets, documents and/or affidavits if necessary. Please note: failure to allege specific facts may/will result in dismissal of the charge.

PLEASE SEE ATTACHMENT

14. (a) Is there a collective bargaining agreement that may apply to the conduct that is alleged to have violated the Law? ☐ Yes ☒ No

(b) If you checked "Yes" in question 14(a), please list all of the clauses alleged to apply and attach a copy of each.

(c) Is there a grievance concerning this matter pending? ☐ Yes ☒ No

15. Without limiting your rights to later amend your remedial request, please explain what remedy you seek. Include the amount of any financial remedy to which you claim entitlement.

Cease & desist and remove discipline and memoranda that are retaliatory, harassing and discriminatory.

16. Have you attempted to settle this case? ☒ Yes ☐ No
If not, why not?

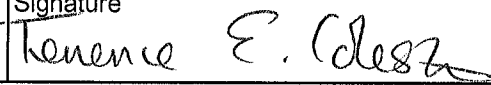
Note: The Division may decline to issue a complaint unless reasonable settlement efforts have been made by the charging party 456 CMR 15.04(1). The Division may refer the charge to a Division mediator for settlement discussions.

INFORMATION ON CHARGING PARTY

17. Name Lanesborough Police Officers Assn. L 390, MASS	18. Representative to contact Terence E. Coles	20. Telephone Number 617-367-7200
19. Address (street and No., city/town, state, and ZIP code) Pyle Rome Ehrenberg PC, 100 Main St., 3rd Flr., Northampton, MA 01060		21. Fax Number tcoles@pylerome.com
22. The Charging Party is an: <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Employee Organization <input type="checkbox"/> Employer		

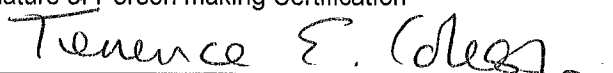
DECLARATION

I have read the above charge of prohibited practice and swear under the pains and penalties of perjury that the information contained in it is true and complete to the best of my knowledge and belief.

Name (print) Terence E. Coles	Signature 	Title (if any) Attorney
Address (street and no., city/town, state, and ZIP code) Pyle Rome Ehrenberg PC, 100 Main St., 3rd Flr., Northampton, MA 01060		Telephone Number 617-367-7200

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Charge of Prohibited Practice on the following representative of the opposing party.

Name Timothy Zessin, Esq.	Address (street and no., city/town, state, and ZIP code) KP Law, 101 Arch St., 12 Fl., Boston, MA 02110	Telephone Number 617-654-1730
Method of Service <input type="checkbox"/> In hand <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Other (specify): email		
Signature of Person making Certification 		Telephone Number 617-367-7200

Lanesborough Police Officers Association, Masscop Local 390 and Town of Lanesborough

Charge of Prohibited Practice

Summary:

Beginning on or about May 5, 2020 and continuing to the present, Town Police Chief Timothy Sorrell has been harassing and retaliating against a bargaining unit member, Sergeant Brad Lepicier, because he engaged in protected activity under Chapter 150E. On April 13, 2020, Police Chief Sorrell unjustly demoted Sgt. Lepicier without just cause. Sgt. Lepicier and the Union grieved this unjust demotion. In June, 2020, the Town sustained this grievance, finding that Sgt. Lepicier had been unjustly demoted and ordering Police Chief Sorrell to return Sgt. Lepicier to his Sergeant's position. Chief Sorrell has retaliated, harassed and discriminated against Sgt. Lepicier for contesting his unjust demotion, including but not limited to the following actions:

1. On May 14, 2020, Chief Sorrell issued a memorandum to Sgt. Lepicier for failing to perform building checks. Other bargaining unit members have not performed these checks and but have not received a similar memorandum;
2. On or about June 15, 2020, Chief Sorrell transferred Sergeant job duties assigned to Sergeant Lepicier to another officer;
3. On June 25, 2020, Chief Sorrell issued a written warning to Sgt. Lepicier for accidentally driving off in his cruiser while the cruiser was being refueled. Other bargaining unit members have engaged in this same action and have not received any discipline.
4. In September, 2020, Chief Sorrell notified Sgt. Lepicier that he was investigating Sgt. Lepicier's activities while Sgt. Lepicier was on vacation and required Sgt. Lepicier to provide a medical record of a COVID test – something that is not required by either the Department policy or State or Town law/regulation.
5. On June 18, 2020, the Town Manager notified Chief Sorrell in writing that he should cease and desist from retaliatory actions against the officers involved in the grievance process and that "any recent actions taken that have negatively affected these officers are to be reversed immediately." Chief Sorrell has failed to follow the order of the Town Manager.