



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

Strikes and Labor Disputes

2019-68

Date of Issue: 05/23/2019

Issuing Authority:

Review Date:

Chief Mark Dubois

Revised:

Certification Standards:

Accreditation Standards:

Optional Accreditation Standards:

General Considerations

The police role at the scene of any labor-management conflict is to fairly and impartially enforce the law, protecting both life and property. Police officers should avoid placing themselves in any position that might have the appearance of favoring one side or the other.

Strikers have a right to assemble and to picket peacefully, not to intimidate non-strikers or to impede persons or vehicles from entering or leaving the employer's property. Employers have the right to keep their businesses open and property safeguarded from damage or destruction.

Arrest at strike scenes should be avoided. In the even that an arrest is made, the arrestee(s) will be removed from the scene as quickly as possible to avoid an emotional reaction of their fellow strikers.

Officers should make early contact with both strike leaders and company officials to not only seek their cooperation but also to point out the role and responsibilities of the police in the labor dispute.

Policy

It is the policy of the Braintree Police Department to:

- Fairly and impartially enforce the law, protecting both life and property.
- That Officers will conduct themselves in accordance with Massachusetts law and department policies and procedures when working at a strike location.

Procedures

Operational and Supervisory Authority

Operational control of all officers assigned to a strike location is exercised by the Chief of Police or his/her designee. Supervisory responsibility for such details may be delegated to Shift Commanders, Patrol Supervisors or other Supervisors, which also include officers who have occasion to work as the OIC for a contingent of officers assigned to work a strike as a private detail.

Assignment of Officers to Strike Details

Only full time academy trained active officers may be assigned to work at a strike location. Officers still undergoing Field Training following graduation from the police academy are not permitted to work at strike locations.

In the event that the department is unable to provide the number of officers required to fill a paid strike detail with officers from this department, full time officers from other communities on our detail list may work

Categories of Officers Not Permitted to Work Strike Details are as follows;

- No reserves, auxiliary, specials or civil defense police officer from any agency may be utilized; and
- Non-full time academy trained officers shall not be utilized. The Reserve Intermittent is not a full time academy;
- All Special Police including retired officers and present full-time employees.
- Massachusetts State Police are statutorily prohibited from working strike details. They however have authority to assist in quelling a disturbance or otherwise render mutual aid when requested by Braintree Police.

Notwithstanding any of the foregoing provisions of this policy, no paid detail assignment involving a strike or labor dispute shall be made until the person, firm, corporation or entity requesting or required to have such detail has agreed to compensate at time and one-half (1 1/2) the applicable paid detail rate to each employee so assigned, with a

minimum of four (4) hours pay per detail for each employee so assigned per the conditions of the CBA.

General Public Safety and Law Enforcement Considerations

Officers assigned to strike locations, whether as part of a paid private detail or as assigned by the department, serve in their capacity as police officers of this department and not as special employees of the company or organization paying for their services.

No employee of the company or organization, whether paying for police services or not, is authorized to direct the activities of officers assigned to the detail or to issue any order to police officers. Any employee of such company or organization who seeks to so direct or order a police officer, should be directed to the Chief of Police or his/her designee, or in their absence, the on-duty Shift Commander or Patrol Supervisor.

The mission of officers assigned to strike locations includes, in order of importance, the following;

- The protection of life and the prevention of physical injury to persons;
- The protection of the statutory and Constitutional rights of all persons;
- The protection of personal and public property; and
- The maintenance of the public peace.

Whenever the police department is notified of the existence of a strike or labor dispute, the following information shall be obtained and documented for departmental purposes:

- The name, business address and telephone number of the employer;
- The name, address and telephone number of the union concerned;
- The kind of business involved;
- The date the strike/labor dispute was declared;
- The approximate number of employees involved;
- Any trouble that might be anticipated; and
- Any additional information that could be of assistance to the police department in carrying out its responsibilities.

As soon as practical, the Chief, Deputy of Administration, or his/her designee will interview the employer and the union officials to ensure that there will be no unlawful activity by any of the contending parties. Both sides in the dispute will be notified;

- That the use of force or violence will not be permitted;
- That the law will be enforced fairly and impartially;
- That any unlawful or disorderly act or acts that might provoke violence will be prevented by means of arrest if warranted;
- That the rights of the general public to use the public streets and sidewalks will be maintained;
- That the rights of the striking employees to conduct orderly picketing in public areas will be protected;
- That the striking employees will be permitted to:
 - Peacefully persuade those still employed to join the strike;
 - Peacefully persuade those considering employment not to do so; and
 - Inform potential customers and the general public about the labor dispute and the reasons for their action.

When a strike develops and a picket line is established, the supervisor in charge of the detail assignment should make contact with the Strike/Picket Captain supervising the picketing and seek the individual's cooperation. Establishing a good rapport with strikers through the Strike/Picket Captain can potentially ease the problems of law enforcement.

If an incident arises or is about to arise, the Strike/Picket Captain should be notified, if possible, and encouraged to handle the problem before it requires police intervention.

Police officers should avoid any fraternization with:

- Pickets;
- Union leaders or management officials;
- Company security; or
- Non-striking personnel.

To help maintain a position of impartiality, officers should avoid entering onto company property to park or use any of the facilities.

Rights of Picketers and Persons Crossing Picket Lines

- Picketers are allowed to march on public sidewalks and streets, so long as their activities do not prevent the use of those public ways by others.
- Picketers are allowed, both verbally and by sign, to attempt to persuade others to their point of view, but may not use violence or threats of violence.
- Picketers who continue to block sidewalks, streets, or driveways so as not to allow others to pass are subject to arrest for disorderly conduct. Prior to making such an arrest, officers should inform the picketer(s) to cease and desist in their activity and also permit a reasonable amount of time for compliance.

Persons entering or leaving the site of the strike, whether by foot or by motor vehicle, should anticipate that their passage may be subject to a reasonable delay. Such delays are related to ensuring their safety, the safety of persons on the picket line, and the right of picketers to engage in peaceful persuasion. If such persons ignore or fail to follow the lawful directions of police officers, and, thereby, create a hazardous situation or a breach of the peace, their conduct could be considered disorderly in character.

Any person who intentionally, negligently, or recklessly endangers picketers, the public, or the police by their manner of operation, should be charged with the appropriate motor vehicle or criminal offense depending on the specific circumstances involved (e.g., operating to endanger, Assault by Means of a Dangerous Weapon, A&BD/W).

Providing Safe Passage Through Picket Lines

When practical, persons on foot should be escorted by at least one officer through the picket line.

When practical and depending on the circumstances present at the time, vehicles waiting to pass through the picket line should be allowed to pass up to three (3) at a time. Thereafter, the picket line should be allowed to briefly resume movement (not to exceed two minutes) before being stopped again to permit the passage of up to three (3) more vehicles.

Permitting up to three (3) vehicles to pass at a time should accomplish the following: reduce wait times for vehicles attempting to pass through the picket line, increase the safety of all persons present, and help officers maintain the cooperation of both the employer and striking employees.

In addition to the foregoing, officers shall take notice of the following:

- Will not check either the work or official identification of persons crossing the picket line unless specifically ordered to the contrary;
- Should avoid the enforcement of minor motor vehicle violations. However, in the event a motor vehicle stop is made, it should be conducted away from the picket line when practical;
- Should avoid advising motorist about whether to raise or lower the windows of their motor vehicles while passing through the picket line;
- Should advise motorists to keep their radios down and avoid engaging picketers while passing through the picket line; and
- Should advise motorist observed entering and exiting through uncontrolled access points to use controlled points of passage.