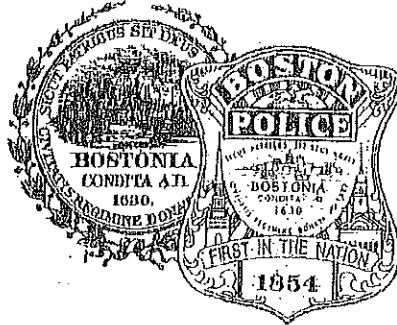


FAX COVER SHEET

BOSTON POLICE DEPARTMENT RECORDS CENTER & ARCHIVES



1555 HYDE PARK AVENUE
HYDE PARK, MASSACHUSETTS 02136
TELEPHONE: (617) 343-5166
FAX: (617) 343-9756

Please forward the following number of faxed pages 23
(including the cover sheet) to the following individual:

TO: Name: Steve Sattliff

Department/Agency: Labor Relations

FROM: Name: Margaret Sullivan

Message: 22 pages copied from OCR

File P-69-97 (16-1304) including
folder, handwritten page and back of
pages when date stamped

If you did not receive all pages of this transmission or if this transmission is unreadable, please contact us immediately.

The information in this transmittal is privileged and confidential and is intended only for the recipient(s) listed above. If you are neither the recipient(s) nor a person responsible for the delivery of this transmittal to the intended recipient(s), you are hereby notified that any unauthorized distribution or copying of this transmittal is prohibited. If you received this transmittal in error, please notify us at the telephone number listed above and return the transmittal to us at the above address. Thank you.

P-62-97(16-1304)

Spoke w/ Ann ~~EE~~ on 11-6-97 @ 12:35pm RE: Hearing

P-62-97 on 11-13-97 @ 11am (agreed)

Step II

3/30/98

Check w/ Sept. Hursey

RE: down IV.

CITY OF BOSTON

OFFICE OF LABOR RELATIONS

Step #3

Answer To Grievance: #16-1304 *Pl 2-97*
Department: Police
Re: Patrick Rose: Administrative Leave
Answer Dated: May 4, 1998

A hearing was held on March 30, 1998 relative to a grievance filed by the Boston Police Patrolman's Association on behalf of Patrick Rose. The Union contends that the grievant was placed on administration leave without just cause in violation of the collect bargaining agreement.

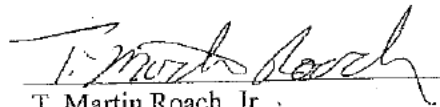
The Union states that Officer Rose was placed on administrative leave on October 31, 1996 for a period of one year, after which he was placed on administrative duties. The Union further states that Officer Rose has performed administrative duties for the past two years without any incident. Therefore, the Union argues that the Department has had two years to investigate and evaluate Officer Rose which is a reasonable time to determine whether or not Officer Rose should be returned to full duty. The Union asks that Officer Rose's firearm be returned and that he is made whole for lost overtime and detail opportunities.

It is the Departments' position that on October 31, 1996 Officer Rose was placed on administrative leave pending the outcome of an internal investigation into a [REDACTED] charge. The Department asked Officer Rose to sign a consent form for medical records which he refused to do. As a result of his failure to cooperate with the Department, the investigation has been prolonged. He has since been placed on administrative duties while the Department continues to investigate the allegations.

The City finds that the Department appropriately placed Officer Rose on administrative duties. The initial investigation has been prolonged because Officer Rose failed to cooperate. Until the investigation is complete, the Department is within its rights to keep Officer Rose on administrative duties for operational needs. The Union has not shown a violation of the collective bargaining agreement. Moreover, this grievance is not substantively arbitrable because issues pertaining to administrative leave are beyond the scope of the contract.

The City reserves and retains its right to contest the procedural arbitrability of the instant grievance.

Grievance denied.


T. Martin Roach, Jr.
Labor Relations Analyst

LABOR RELATIONS

98 APR -6 P 2:45

BOSTON POLICE DEPT.



Boston Police
DEPARTMENT

Personnel Information Request

REMOVE ☐ REVIEW ☐ COPY ☐

Folder Name: _____
(Last) (First) (Initial)

Ident. No.: _____ Unit: _____

REMOVE ☐ REVIEW ☐ COPY ☐

Roster Card Name: _____
(Last) (First) (Initial)

Ident. No.: _____ Unit: _____

REMOVE ☐ REVIEW ☐ COPY ☒

1996 → 1997

Attendance Card Name: Rose Patrick
(Last) (First) (Initial)

Ident. No.: 11126 Unit: _____

Requesting Unit or Agency: BPD, OLR

Requested by: (Signature) (Sandra DeBau) Date: 9.16.99
(Signature)

Requesting Party's Ident. No.: 12168

Approved by: _____ Date: _____
(Signature)

Archives: YES ☐ NO ☐

A: PAID SICK DAY
 AL: ADMINISTRATIVE LEAVE - W/PAY
 AW: A.W.O.L. - NO PAY
 BE: BEREAVEMENT
 BL: BLOOD DONATION DAY (1/2 DAY)
 C: COMMENDATION DAY (MERITORIOUS)
 CV: EXTRA DAY OFF FOR COURT DURING VAC
 E: ADMINISTRATIVE SHIFT DAY OFF
 EL: EXTENDED SICK LEAVE - W/PAY
 FL: FAMILY LEAVE - NO PAY
 HD: NO HOLIDAY CHECK (IN LIEU OF S.L.)
 J: INJURED ON DUTY
 JD: JURY DUTY
 LOA: LEAVE OF ABSENCE - NO PAY
 MA: MATERNITY LEAVE - NO PAY
 ML: MILITARY LEAVE - W/PAY
 PL: PERSONAL LEAVE DAY
 S: SUSPENDED - NO PAY
 UB: UNION BUSINESS
 V: VACATION DAY
 VS: VACATION IN LIEU OF S.L.
 WI: WORK ON DAY OFF
 WO: OFF ON REGULAR WORK DAY
 X: AUTHORIZED ABSENCE - NO PAY

INFORMATION UPON TRANSFER

A. No. of hours of overtime performed this month to date: _____
 B. No. of punishment hours to perform: _____
 C. No. of days owed: _____

OTHER COMMENTS:

TO MIS 9.25.96
 Transfer to District 11 eff. 2.26.97

Fm 2325# 6.CDR/E:GRAPHICS/FORMS/REV 11/96

Name: ROSE PATRICK Rank: P.O. Unit: C 11 YEAR: 1997
 I.D.#: 11126 Badge#: 4633 Date of Birth: _____ Squad #5
 Date of Appt.: 6.22.94 Prior Months of Service: 111 Platoon: _____
 1996 Carry Over
 S.L. VAC. E Days C Days W.I. Vacation Group: S

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	VAC.	S.L.	FY '97 EL
JAN																																	20	33
FEB																																	20	33
MAR																																	20	33
APR																																	15	32
MAY																																	15	32
JUNE																																	15	32
JULY																																	15	32
AUG																																	15	24
SEP																																	5	23
OCT																																	5	23
NOV																																	-	20
DEC																																	-	21

7-1-96 PL Y PL Y PL Y PL Y
 7-1-97 PL 7/26 PL 7/27 PL 7/28 PL 7/29
 ROSE, PATRICK

7-1-96 SL _____ SL _____ SL _____ SL _____ SL _____
 7-1-97 SL _____ SL _____ SL _____ SL _____ SL _____
 P.O.

INFORMATION UPON TRANSFER

A: SICKNESS
 AL: ADMINISTRATIVE LEAVE W/ PAY
 AP: SICK PENDING
 AW: A.W.O.L. - NO PAY
 BE: BEREAVEMENT
 BL: BLOOD DONATION DAY (1/2 DAY)
 C: COMMENDATION DAY (MERITORIOUS)
 CV: DAY OFF FOR COURT DURING VAC.
 E: ADMINISTRATIVE DAY OFF
 EL: EXTENDED SICK LEAVE
 FL: FAMILY LEAVE
 HD: HOLIDAY - SICK - NO PAY (SWORN)
 J: INJURED ON DUTY
 JD: JURY DUTY
 LOA: LEAVE OF ABSENCE - NO PAY
 MA: MATERNITY LEAVE
 ML: MILITARY LEAVE
 PL: PERSONAL LEAVE DAY
 S: SUSPENDED - NO PAY
 UB: UNION BUSINESS
 V: VACATION DAY
 VP: VACATION PENDING
 VS: VACATION IN LIEU OF S.L.
 WI: WORK ON DAY OFF
 WO: OFF ON REGULAR WORK DAY
 X: NO PAY

A. No. of hours of overtime performed this month to date: _____

B. No. of punishment hours to perform: _____

C. No. of days owed: _____

OTHER COMMENTS:

Transf. to M.I.S. on 9.25.96

BPD Form 2325 11/93 forms.cdr

Name: ROSE, PATRICK Rank: PO Unit: C-11 YEAR: 1996 7/1
 I.D.#: 11126 Badge#: 4633 Date of Birth: 7/22/50 Squad #5 P.L. Career Bank: 1 7/1
 Date of Appt.: 6/22/94 Prior Months of Service: 111 Shift: A VACT 7
 1995 Carry Over S.S. #: 019 - 44 - 1440

	S.L.	VAC.	E Days	C Days	W.L.	VAC.	S.L.	FY '96 PL																											
MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	VAC.	S.L.		
JAN																																	20	24	
FEB																																	10	24	
MAR																																	10	23	
APR																																	10	23	
MAY																																	10	23	
JUNE																																	10	23	
JULY																																	9	18	+4
AUG																																	0	18	BUYBACKS '96
SEP																																	0	18	-0
OCT																																	0	18	-5
NOV																																	0	18	-0
DEC																																	0	18	

7-1-95 PL 112 PL 114 PL 4125 PL 1165 7-1-95 SL _____ SL _____ SL _____ SL _____ SL _____
 7-1-96 PL _____ PL _____ PL _____ PL _____ 7-1-96 SL _____ SL _____ SL _____ SL _____ SL _____
 ROSE, PATRICK



Office of Labor Relations

Boston City Hall, Room 624
Boston, Massachusetts 02201

(617) 635-4525
FAX: 635-3690

Date: March 2, 1998

Dear Deputy Creed:

We are in receipt of several grievances that were recently filed at the third step of the grievance procedure by B.P.P.A.. These were originally filed at your Department. These hearings have been scheduled for Monday, March 23, 1998 at starting at 10:00 a.m.. The grievance numbers are See the attached list of grievances to be heard in order at the time shown above.

In order for us to prepare for these hearings, kindly forward all the information you have regarding these cases (e.g. incident reports, progressive discipline documentation, etc.) If you have any questions regarding these grievances, please feel free to contact Carol Finn or myself.

Sincerely,

T. Martin Roach
T. Martin Roach
Labor Relations Analyst CF

cc:

R. MacGillivray

kp2lnd (DH1..cf)

Thomas M. Menino, Mayor

GRV.NO GRV.DATE DEPT.NO ISSUE

16-1302	10/9/97	P54-97	Mark Clark; Placed on Adm. leave & denied O/T & details.
16-1303	10/24/97	P57-97	John DiSciullo; Placed on Adm. leave & denied O/T & details.
16-1304	10/31/97	P62-97	Patrick Rose; Place on Adm. leave & denied O/T & details.
16-1305	1/5/98	P1-98	Leon Buckley; 10 Day suspension; w/o just cause.

Glist (D#CF...cf)

January 30, 1998

Ronald MacGillivray, Vice President
Boston Police Patrolmen's Association
9-11 Shetland Street
Boston, Massachusetts 02116

Re: Grievance # P-62-97

Ron

Dear ~~Officer~~ MacGillivray:

Please be advised that following a hearing relative to the above-referenced matter, the Department finds no contractual violation. The grievance is accordingly denied.

Sincerely,



Christopher J. Groll
Deputy Director
Office of Labor Relations

Boston Police

D E P A R T M E N T

1 Schroeder Plaza, Boston, MA 02120-2014

January 12, 1998

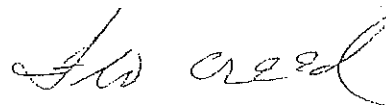
Officer Ronald MacGillivray, President
Boston Police Patrolmen's Association
9-11 Shetland St.
Boston, MA. 02119

Re: Grievance(s) # P-57-97 (John DiSciullo-Admin Leave)
P-62-97 (Patrick Rose-Admin. Leave)
P-1-98 (Leon Buckley Suspended w/o Just Cause)


Dear Officer MacGillivray:

Step II hearings for the above-referenced grievances have been scheduled for 11:00 a.m., Thursday, January 22, 1998. Please contact me at 343-4545 if this is inconvenient for you. Otherwise I look forward to seeing you.

Very truly yours,



Florastine Creed
Deputy Superintendent
Director, Office of Labor Relations

Michael Ross -

Patrick Rose got
Pretrial Probation - ordered
by Ct to get counseling
hasn't provided documentation
re: fitness to return to duty
not cooperating
won't authorize release
of medical records.



Office of Labor Relations

Virginia M. Tisel, Esq., Director

Boston City Hall, Room 624
Boston, Massachusetts 02201

(1304) P162-97
(1264) P15-97

(617) 635-4525
FAX: 635-3690

October 23, 1998

Lawrence T. Holden, Jr., P.C.
Attorney at Law
P.O. Box 6347
Lincoln, MA 01773-6347

Re: Clarifying Dates of Arbitrations

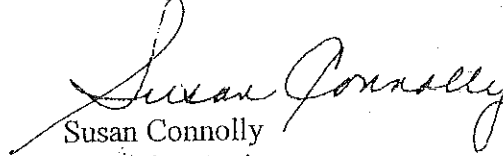
Dear Arbitrator Holden:

I would like to clarify the dates of the following two arbitrations:

<u>Case #</u>	<u>Scheduled Date</u>	<u>OLR Attorney</u>
16-1304	1/29/99	William Murphy
16-1264	3/9/99	Lisa Van Pelt (replacing Thomas Greene)

Should you have any questions regarding these arbitrations, please do not hesitate to contact me.

Sincerely,


Susan Connolly
Executive Assistant

LABOR RELATIONS
98 OCT 27 A 9:44
BOSTON POLICE DEPT.

Cc: John Ferguson
Joseph Sandulli
Alan Shapiro

Thomas M. Menino, Mayor

To: John D. Ferguson
Deputy Superintendent
Bureau of Field Services

Through: James M. Claiborne
Superintendent
Bureau of Field Services

From: Robert P. Dunford
Captain
District Eleven

Date: December 29, 1997

Subject: Grievance P-62-97
Police Officer Patrick Rose - Administrative Leave:

Deputy Ferguson:

Pursuant to your memo of November 25, 1997 concerning Grievance P-62-97 relative to Police Officer Patrick Rose, ID 11126 being assigned to Administrative Duties without a Firearm I respectfully report the following.

Officer Rose was placed on Administrative Duty without his department issued firearm as a result of an Internal Affairs Complaint No. 3911, IAD Case No. 281-95 (Violation of Criminal Laws).

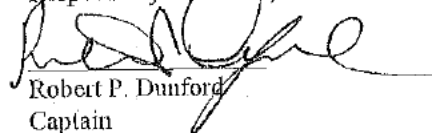
A West Roxbury District court [REDACTED] Order, No. [REDACTED] was vacated at the request of the plaintiff, [REDACTED] on Monday, January 29, 1996.

On Monday, May 7, 1996 criminal charges arising from the original incident which occurred in June 1995 were dismissed in West Roxbury Court.

On May 10, 1996 the matter was referred to the Internal Affairs Division for a final review with my request that Officer Rose be returned to full duty pending IAD's final report. I have been informed by Superintendent Doherty that the impediment to returning Officer Rose to full duty is the issue of his refusal of waiving his doctor/patient privilege so that IAD may review these records.

I respectfully recommend that this grievance be referred to the Bureau of Internal Investigations.

Respectfully submitted,


Robert P. Dunford
Captain

CC

To: Captain Robert Dunford
Commander, Area C-11

From: Deputy Superintendent John D. Ferguson, *JD*
Bureau of Field Services

Date: Dec. 2, 1997

Subject: Investigate Attached Grievance

Attached is correspondence from Deputy Superintendent Florastine Creed, Commanding, Labor Relations Unit, which must be responded to by the respective Commanding Officer.

Be advised that this office is now cataloguing all of the grievances filed by the different bargaining units which affect the Bureau of Field Services. Commanding Officers will review the attached complaint and submit a report to Superintendent James M. Claiborne, Office of the Chief, **Attention: Deputy Superintendent John D. Ferguson** by Dec. 29, 1997

Boston

GRIEVANCE NOTIFICATION

To: Deputy Superintendent John Ferguson, B.F.S.

From: Deputy Superintendent Florastine Creed,
Director, Office of Labor Relations

fm

Date: November 25, 1997

Re: Grievance(s) # P-57-97 (John DiSciullo-Admin Leave)
P-62-97 (Patrick Rose-Admin Leave)
P-63-97 (Shifts Improperly Filled 9/6/97)

() filed by the B.P.S.O.F. on _____

() filed by the B.P.D.B.S. on _____

(x) filed by the B.P.P.A. on 10/3/97, 10/24/97 and 10/31/97

() filed by S.E.I.U./Local 285 on _____

() filed by A.F.S.C.M.E. on _____

() filed by S.E.N.A. on _____

Please find attached a copy of the above-referenced grievance(s). The grievance(s) concerns one or more of the issues listed below. Would you kindly review the grievance(s) with the commander(s) of the district/division/unit wherein the incident(s) occurred giving rise to the grievance(s). Upon completion of the review please have all concerned district/division/unit commanders submit reports with respect to their knowledge of the matter, including any action taken to resolve it. The report(s) should be forwarded to the Office of Labor Relations no later than 12/29/97



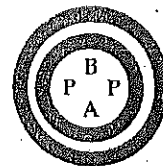
THOMAS M. MENINO, Mayor / BOSTON POLICE DEPARTMENT / 154 Berkeley Street 02116

- ☐ Denial of Injured on Duty Status
- ☐ Inequitable Distribution/ Avoidance/Denial of Overtime
- ☐ Inequitable Distribution of Paid Details
- ☐ Denial of Opportunity to Perform Paid Details/Overtime
- ☐ Failure to Post Shift Vacancy
- ☒ Inappropriate Shift Assignment
- ☐ Failure to Compensate Appropriately (Night Differential/Specialist Pay, Educational Allowance/Longevity Pay, Overtime)
- ☐ Inappropriate Assignment of Bargaining Unit Work
- ☐ Discipline Without Just Cause
- ☒ Other(Admin Leave)

Thank you for your assistance and cooperation in this matter.



"Unity and Strength"



BOSTON POLICE PATROLMEN'S ASSOCIATION, INC.

9-11 SHETLAND ST., BOSTON, MASSACHUSETTS 02119 • TEL. (617) 989-2772



THOMAS J. NEE, President

RONALD T. MacGILLIVRAY, Vice President

MICHAEL C. O'HARA, Treasurer

JAMES W. CARNELL, Secretary

P-62-97

SUBMISSION TO COMMISSIONER

October 31, 1997

Commissioner Paul Evans
Boston Police Department
154 Berkeley Street
Boston, MA 02116


Dear Commissioner Evans:

Herewith enclosed in triplicate is a grievance relating to:

Officer Patrick Rose assigned to administrative leave denying him details, overtime and court time.

as to which we shall appreciate your convening a meeting at your earliest convenience and notice thereof.

Respectfully submitted,


Ronald MacGillivray
Vice President
Chairman-Grievance Committee

cc: Deputy Florastine Creed

GRIEVANCE

Date of : October 31, 1997

INSTRUCTIONS: Prepare, date and sign set of six (6) pages of each grievance form. The Union should retain the bottom copy. At each succeeding Step, the bottom copy of the set should be retained by the hearing officer and, if the grievance remains unsettled, the top three (3) copies should be forwarded to the Office of Labor Relations for hearing at this level. When answered by this Office, a copy will be sent to both the Union and the Department involved.

NOTE: IS VERY IMPORTANT THAT THE ANSWER AT EACH STEP BE DATED WHEN WRITTEN. ALSO, THE GRIEVANCE ITSELF SHOULD BE DATED.

NAME OF AGGRIEVED EMPLOYEE: Police Officer Patrick M. Rose

TITLE AND COMPENSATION GRADE: Police Officer

DEPARTMENT AND DIVISION WHERE EMPLOYED: Boston Police Department

CITY OF BOSTON ☒

COUNTY OF SUFFOLK ☒

NAME OF EMPLOYEE ORGANIZATION Boston Police Patrolmen's Association

(Grievant states the facts (including dates/s) on which his/her grievance is based, citing each Article and section of the contract which has been violated, and the proposed remedy).

Violation of Article XVI, Section 4 and any and all other relevant sections of the CBA in that Officer Rose has been assigned to administrative duty denying him paid details, overtime and court time.

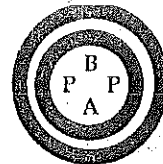
REMEDY: Cease and desist and make Officer Rose whole by compensating him for lost paid details, overtime and court time.

Signed:


Aggrieved Employee



"Unity and Strength"



BOSTON POLICE PATROLMEN'S ASSOCIATION, INC.

9-11 SHETLAND ST., BOSTON, MASSACHUSETTS 02119 • TEL. (617) 989-2772



THOMAS J. NEE, President

RONALD T. MacGILLIVRAY, Vice President

MICHAEL C. O'HARA, Treasurer

JAMES W. CARNELL, Secretary

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October 31, 1997

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Boston Police Department
154 Berkeley Street
Boston, MA 02116

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Ronald MacGillivray

Vice President

Chairman-Grievance Committee

cc: Deputy Florastine Creed

GRIEVANCE

Date of: October 31, 1997

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TITLE AND COMPENSATION GRADE: Police Officer

DEPARTMENT AND DIVISION WHERE EMPLOYED: Boston Police Department

CITY OF BOSTON ☒

COUNTY OF SUFFOLK ☒

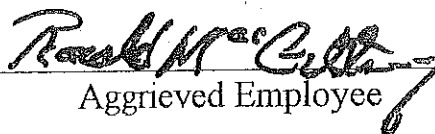
NAME OF EMPLOYEE ORGANIZATION Boston Police Patrolmen's Association

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Violation of Article XVI, Section 4 and any and all other relevant sections of the CBA in that Officer Rose has been assigned to administrative duty denying him paid details, overtime and court time.

REMEDY: Cease and desist and make Officer Rose whole by compensating him for lost paid details, overtime and court time.

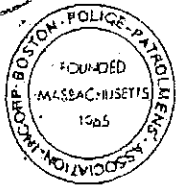
Signed:


Aggrieved Employee

LABOR RELATIONS

97 NOV -6 A 11:46

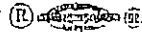
BOSTON POLICE DEPT.



"Unity and Strength"

BOSTON POLICE PATROLMEN'S ASSOCIATION, INC.

9-11 SHETLAND ST., BOSTON, MASSACHUSETTS 02119 • TEL. (617) 989-2772



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MICHAEL C. O'HARA, Treasurer

JAMES W. CARNELL, Secretary

P-62-97

SUBMISSION TO COMMISSIONER

October 31, 1997

Commissioner Paul Evans
Boston Police Department
154 Berkeley Street
Boston, MA 02116

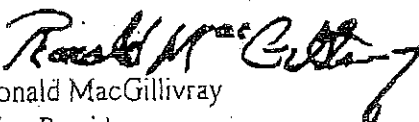
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Ronald MacGillivray
Vice President
Chairman-Grievance Committee

cc: Deputy Florastine Creed

GRIEVANCE

Date of : October 31, 1997

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TITLE AND COMPENSATION GRADE: Police Officer

DEPARTMENT AND DIVISION WHERE EMPLOYED: Boston Police Department

CITY OF BOSTON ☒

COUNTY OF SUFFOLK ☒

NAME OF EMPLOYEE ORGANIZATION Boston Police Patrolmen's Association

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REMEDY: Cease and desist and make Officer Rose whole by compensating him for lost paid details, overtime and court time.

Signed:


Aggrieved Employee

Boston

GRIEVANCE NOTIFICATION

To: Deputy Superintendent John Ferguson, B.F.S.

From: Deputy Superintendent Florastine Creed,
Director, Office of Labor Relations *Jmc*

Date: November 25, 1997

Re: Grievance(s) # P-57-97 (John DiSciullo-Admin Leave)
P-62-97 (Patrick Rose-Admin Leave)
P-63-97 (Shifts Improperly Filled 9/6/97)

() filed by the B.P.S.O.F. on _____

() filed by the B.P.D.B.S. on _____

(x) filed by the B.P.P.A. on 10/3/97, 10/24/97 and 10/31/97

() filed by S.E.I.U./Local 285 on _____

() filed by A.F.S.C.M.E. on _____

() filed by S.E.N.A. on _____

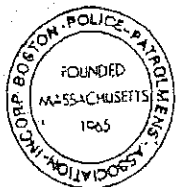
Please find attached a copy of the above-referenced grievance(s). The grievance(s) concerns one or more of the issues listed below. Would you kindly review the grievance(s) with the commander(s) of the district/division/unit wherein the incident(s) occurred giving rise to the grievance(s). Upon completion of the review please have all concerned district/division/unit commanders submit reports with respect to their knowledge of the matter, including any action taken to resolve it. The report(s) should be forwarded to the Office of Labor Relations no later than 12/29/97



- () Denial of Injured on Duty Status
- () Inequitable Distribution/ Avoidance/Denial of Overtime
- () Inequitable Distribution of Paid Details
- () Denial of Opportunity to Perform Paid Details/Overtime
- () Failure to Post Shift Vacancy
- (x) Inappropriate Shift Assignment
- () Failure to Compensate Appropriately (Night Differential/Specialist Pay, Educational Allowance/Longevity Pay, Overtime)
- () Inappropriate Assignment of Bargaining Unit Work
- () Discipline Without Just Cause
- (x) Other(Admin Leave)

Thank you for your assistance and cooperation in this matter.

APR-21-2021 13:55



"Unity and Strength"

BOSTON POLICE PATROLMEN'S ASSOCIATION, INC.

9-11 SHETLAND ST., BOSTON, MASSACHUSETTS 02119 • TEL. (617) 989-2772



THOMAS J. NEE, President
RONALD T. MacGILLIVRAY, Vice President
MICHAEL C. O'HARA, Treasurer
JAMES W. CARNELL, Secretary

SUBMISSION TO COMMISSIONER

October 31, 1997

Commissioner Paul Evans
Boston Police Department
154 Berkeley Street
Boston, MA 02116


Dear Commissioner Evans:

Herewith enclosed in triplicate is a grievance relating to:

Officer Patrick Rose assigned to administrative leave denying him details, overtime and court time.

as to which we shall appreciate your convening a meeting at your earliest convenience and notice thereof.

Respectfully submitted,


Ronald MacGillivray
Vice President
Chairman-Grievance Committee

cc: Deputy Florastine Creed

GRIEVANCE

Date of : October 31, 1997

INSTRUCTIONS: Prepare, date and sign set of six (6) pages of each grievance form. The Union should retain the bottom copy. At each succeeding Step, the bottom copy of the set should be retained by the hearing officer and, if the grievance remains unsettled, the top three (3) copies should be forwarded to the Office of Labor Relations for hearing at this level. When answered by this Office, a copy will be sent to both the Union and the Department involved.

NOTE: IS VERY IMPORTANT THAT THE ANSWER AT EACH STEP BE DATED WHEN WRITTEN. ALSO, THE GRIEVANCE ITSELF SHOULD BE DATED.

NAME OF AGGRIEVED EMPLOYEE: Police Officer Patrick M. Rose

TITLE AND COMPENSATION GRADE: Police Officer

DEPARTMENT AND DIVISION WHERE EMPLOYED: Boston Police Department

CITY OF BOSTON ☒COUNTY OF SUFFOLK ☒NAME OF EMPLOYEE ORGANIZATION Boston Police Patrolmen's Association

(Grievant states the facts (including dates/s) on which his/her grievance is based, citing each Article and section of the contract which has been violated, and the proposed remedy).

Violation of Article XVI, Section 4 and any and all other relevant sections of the CBA in that Officer Rose has been assigned to administrative duty denying him paid details, overtime and court time.

REMEDY: Cease and desist and make Officer Rose whole by compensating him for lost paid details, overtime and court time.

Signed:

Patrick M. Rose
Aggrieved Employee

Boston Police

DEPARTMENT

1 Schroeder Plaza, Boston, MA 02120-1012

To: Captain Robert Dunford
Commander; Area C-11

From: Deputy Superintendent John D. Ferguson, *Q107*
Bureau of Field Services

Date: Dec. 2, 1997

Subject: Investigate Attached Grievance

Attached is correspondence from Deputy Superintendent Florastine Creed, Commanding, Labor Relations Unit, which must be responded to by the respective Commanding Officer.

Be advised that this office is now cataloguing all of the grievances filed by the different bargaining units which affect the Bureau of Field Services. Commanding Officers will review the attached complaint and submit a report to Superintendent James M. Claiborne, Office of the Chief, Attention: Deputy Superintendent John D. Ferguson by Dec. 29, 1997

Boston Police

DEPARTMENT

1 Schroeder Plaza, Boston, MA 02120-0121

To: John D. Ferguson
Deputy Superintendent
Bureau of Field Services

Through: James M. Claiborne
Superintendent
Bureau of Field Services

From: Robert P. Dunford
Captain
District Eleven

Date: December 29, 1997

Subject: Grievance P-62-97
Police Officer Patrick Rose - Administrative Leave:

Deputy Ferguson:

Pursuant to your memo of November 25, 1997 concerning Grievance P-62-97 relative to Police Officer Patrick Rose, ID 11126 being assigned to Administrative Duties without a Firearm I respectfully report the following.

Officer Rose was placed on Administrative Duty without his department issued firearm as a result of an Internal Affairs Complaint No. 3911, IAD Case No. 281-95 (Violation of Criminal Laws).

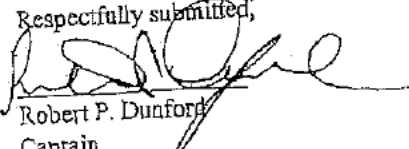
A West Roxbury District court [REDACTED] Order, No. [REDACTED] was vacated at the request of the plaintiff, [REDACTED] on Monday, January 29, 1996.

On Monday, May 7, 1996 criminal charges arising from the original incident which occurred in June 1995 were dismissed in West Roxbury Court.

On May 10, 1996 the matter was referred to the Internal Affairs Division for a final review with my request that Officer Rose be returned to full duty pending IAD's final report. I have been informed by Superintendent Doherty that the impediment to returning Officer Rose to full duty is the issue of his refusal of waiving his doctor/patient privilege so that IAD may review these records.

I respectfully recommend that this grievance be referred to the Bureau of Internal Investigations.

Respectfully submitted,


Robert P. Dunford
Captain

CC

Boston Police

DEPARTMENT

1 Schroeder Plaza, Boston, MA 02120-2014

January 12, 1998

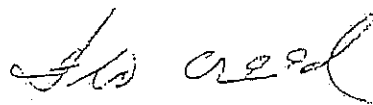
Officer Ronald MacGillivray, President
Boston Police Patrolmen's Association
9-11 Shetland St.
Boston, MA. 02119

Re: Grievance(s) # P-57-97 (John DiSciullo-Admin Leave)
P-62-97 (Patrick Rose-Admin. Leave)
P-1-98 (Leon Buckley Suspended w/o Just Cause)

Len
Dear Officer MacGillivray:

Step II hearings for the above-referenced grievances have been scheduled for 11:00 a.m., Thursday, January 22, 1998. Please contact me at 343-4545 if this is inconvenient for you. Otherwise I look forward to seeing you.

Very truly yours,



Florastine Creed
Deputy Superintendent
Director, Office of Labor Relations

Boston Police

DEPARTMENT

1 Schroeder Plaza, Boston, MA 02120-2014

January 30, 1998

Ronald MacGillivray, Vice President
Boston Police Patrolmen's Association
9-11 Shetland Street
Boston, Massachusetts 02116

Re: Grievance # P-62-97

Ron
Dear Officer ~~MacGillivray~~:

Please be advised that following a hearing relative to the above-referenced matter, the Department finds no contractual violation. The grievance is accordingly denied.

Sincerely,



Christopher J. Groll
Deputy Director
Office of Labor Relations



Office of Labor Relations

Boston City Hall, Room 624
Boston, Massachusetts 02201

(617) 635-4825
FAX: 635-3690

Date:

March 2, 1998

Dear

Deputy Creed

We are in receipt of several grievances that were recently filed at the third step of the grievance procedure by B.P.P.A.. These were originally filed at your Department. These hearings have been scheduled for Thursday, March 23, 1998 at starting at 10:00 a.m.. The grievance numbers are See the attached list of grievances to be heard in order at the time shown above.

In order for us to prepare for these hearings, kindly forward all the information you have regarding these cases (e.g. incident reports, progressive discipline documentation, etc.) If you have any questions regarding these grievances, please feel free to contact Carol Finn or myself.

Sincerely,

T. Martin Roach
T. Martin Roach
Labor Relations Analyst

cc:

R. MacGillivray

GRV.NO GRV.DATE DEPT.NO ISSUE

16-1302	10/9/97	P54-97	Mark Clark; Placed on Adm. leave & denied O/T & details.
16-1303	10/24/97	P57-97	John DiSciullo; Placed on Adm. leave & denied O/T & details.
16-1304	10/31/97	P62-97	Patrick Rose; Place on Adm. leave & denied O/T & details.
16-1305	1/5/98	P1-98	Leon Buckley; 10 Day suspension; w/o just cause.

Glist (D#CF...ct)

CITY OF BOSTON

OFFICE OF LABOR RELATIONS

Step #3

Answer To Grievance: #16-1304
Department: Police
Re: Patrick Rose: Administrative Leave
Answer Dated: May 4, 1998

PL-2-97

A hearing was held on March 30, 1998 relative to a grievance filed by the Boston Police Patrolman's Association on behalf of Patrick Rose. The Union contends that the grievant was placed on administration leave without just cause in violation of the collect bargaining agreement.

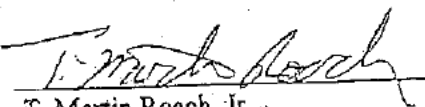
The Union states that Officer Rose was placed on administrative leave on October 31, 1996 for a period of one year, after which he was placed on administrative duties. The Union further states that Officer Rose has performed administrative duties for the past two years without any incident. Therefore, the Union argues that the Department has had two years to investigate and evaluate Officer Rose which is a reasonable time to determine whether or not Officer Rose should be returned to full duty. The Union asks that Officer Rose's firearm be returned and that he is made whole for lost overtime and detail opportunities.

It is the Departments' position that on October 31, 1996 Officer Rose was placed on administrative leave pending the outcome of an internal investigation into a [REDACTED] charge. The Department asked Officer Rose to sign a consent form for medical records which he refused to do. As a result of his failure to cooperate with the Department, the investigation has been prolonged. He has since been placed on administrative duties while the Department continues to investigate the allegations.

The City finds that the Department appropriately placed Officer Rose on administrative duties. The initial investigation has been prolonged because Officer Rose failed to cooperate. Until the investigation is complete, the Department is within its rights to keep Officer Rose on administrative duties for operational needs. The Union has not shown a violation of the collective bargaining agreement. Moreover, this grievance is not substantively arbitrable because issues pertaining to administrative leave are beyond the scope of the contract.

The City reserves and retains its right to contest the procedural arbitrability of the instant grievance.

Grievance denied.


T. Martin Roach, Jr.
Labor Relations Analyst



Office of Labor Relations

Virginia M. Tisei, Esq., Director

Boston City Hall, Room 624
 Boston, Massachusetts 02201

(1304) #62-97
 (1264) #15-97

(617) 635-4525
 FAX: 635-3690

October 23, 1998

Lawrence T. Holden, Jr., P.C.
 Attorney at Law
 P.O. Box 6347
 Lincoln, MA 01773-6347

Re: Clarifying Dates of Arbitrations

Dear Arbitrator Holden:

I would like to clarify the dates of the following two arbitrations:

<u>Case #</u>	<u>Scheduled Date</u>	<u>OLR Attorney</u>
16-1304	1/29/99	William Murphy
16-1264	3/9/99	Lisa Van Pelt (replacing Thomas Greene)

Should you have any questions regarding these arbitrations, please do not hesitate to contact me.

Sincerely,

Susan Connolly
 Susan Connolly
 Executive Assistant

LABOR RELATIONS
 98 OCT 27 A 9 44
 BOSTON
 CC: John Ferguson
 Joseph Sandulli
 Alan Shapiro

**Boston Police**
DEPARTMENT**Personnel Information
Request**REMOVE ☐ REVIEW ☐ COPY ☐Folder Name: _____
(Last) (First) (Initial)

Ident. No.: _____ Unit: _____

REMOVE ☐ REVIEW ☐ COPY ☐Roster Card Name: _____
(Last) (First) (Initial)

Ident. No.: _____ Unit: _____

REMOVE ☐ REVIEW ☐ COPY ☒

1996 → 1997

Attendance Card Name: Rose Patrick
(Last) (First) (Initial)Ident. No.: 11126 Unit: _____Requesting Unit or Agency: BPD, OLRRequested by: (Signature) (Sandra DeBau) Date: 9.16.99
(Signature)Requesting Party's Ident. No.: 12168Approved by: _____ Date: _____
(Signature)Archives: YES ☐ NO ☐

INFORMATION UPON TRANSFER

A: SICKNESS
AL: ADMINISTRATIVE LEAVE W/ PAY
AP: SICK PENDING
AW: A.W.O.L. - NO PAY
BE: BEREAVEMENT
BL: BLOOD DONATION DAY (1/2 DAY)
C: COMMENDATION DAY (MERITORIOUS)
CV: DAY OFF FOR COURT DURING VAC.
E: ADMINISTRATIVE DAY OFF
EL: EXTENDED SICK LEAVE
FL: FAMILY LEAVE
HD: HOLIDAY - SICK - NO PAY (SWORN)
J: INJURED ON DUTY
JD: JURY DUTY
LOA: LEAVE OF ABSENCE - NO PAY
MA: MATERNITY LEAVE
ML: MILITARY LEAVE
PL: PERSONAL LEAVE DAY
S: SUSPENDED - NO PAY
UB: UNION BUSINESS
V: VACATION DAY
VP: VACATION PENDING
VS: VACATION IN LIEU OF S.L.
WI: WORK ON DAY OFF
WO: OFF ON REGULAR WORK DAY
X: NO PAY

A. No. of hours of overtime performed this month to date: _____

B. No. of punishment hours to perform: _____

C. No. of days owed: _____

OTHER COMMENTS:

Transf. to M.I.S. on 9.25.96

BPD Form 2325 11/93 forms.cdr

Name: ROSE, PATRICK Rank: PO Unit: C-11 YEAR: **1996**
 I.D.#: 11126 Badge#: 4633 Date of Birth: 7/22/50 Squad #5
 Date of Appt.: 6/22/94 Prior Months of Service: 111 Shift: A Vacat 7 P.L. Career Bank: 7
 1995 Carry Over
 S.L. VAC. E Days C Days W.L. S.S. # 019-44-1448 VAC. S.L. FY 95 PL
10 0 0 0 0 20 15 0

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	VAC.	S.L.	
JAN																																	20	24
FEB																																	10	24
MAR																																	10	23
APR																																	10	23
MAY																																	10	23
JUNE																																	10	23
JULY																																	9	18
AUG																																	0	18
SEP																																	0	18
OCT																																	0	18
NOV																																	0	18
DEC																																	0	18

7-1-95 PL 110 PL 110 PL 1125 PL 1125 7-1-95 SL _____ SL _____ SL _____ SL _____ SL _____
 7-1-96 PL _____ PL _____ PL _____ PL _____ 7-1-96 SL _____ SL _____ SL _____ SL _____ SL _____
 ROSE, PATRICK

BUYBACKS: 96

P.L.

S.L.

VA

INFORMATION UPON TRANSFER

A: PAID SICK DAY
 AL: ADMINISTRATIVE LEAVE - W/PAY
 AW: A.W.O.L. - NO PAY
 BE: BEREAVEMENT
 BL: BLOOD DONATION DAY (1/2 DAY)
 C: COMMENDATION DAY (MERITORIOUS)
 CV: EXTRA DAY OFF FOR COURT DURING VAC
 E: ADMINISTRATIVE SHIFT DAY OFF
 EL: EXTENDED SICK LEAVE - W/PAY
 FL: FAMILY LEAVE - NO PAY
 HD: NO HOLIDAY CHECK (IN LIEU OF S.L.)
 J: INJURED ON DUTY
 JD: JURY DUTY
 LOA: LEAVE OF ABSENCE - NO PAY
 MA: MATERNITY LEAVE - NO PAY
 ML: MILITARY LEAVE - W/PAY
 PL: PERSONAL LEAVE DAY
 S: SUSPENDED - NO PAY
 UB: UNION BUSINESS
 V: VACATION DAY
 VS: VACATION IN LIEU OF S.L.
 WI: WORK ON DAY OFF
 WO: OFF ON REGULAR WORK DAY
 X: AUTHORIZED ABSENCE - NO PAY

A. No. of hours of overtime performed this month to date: _____

B. No. of punishment hours to perform: _____

C. No. of days owed: _____

OTHER COMMENTS:

TO MIS 9.25.96
 Transfer to District 11 eff. 2.26.97

Fm 2325#B.CDB/EGRAPHICS/FORMS/REV 11/96

Name: ROSE PATRICK Rank: P.O. Unit: C 11 YEAR: 1997
 LDR: 11126 Budget: 4633 Date of Birth: _____ Squad #5
 Date of Appt: 6-22-94 Prior Months of Service: 111 Platoon: _____
 1996 Carry Over: _____ Vacation Group: S

	SL	VAC	E Days	C Days	WL	VAC	SL	PL	PT	EL																							
18	0	0	0	0	0	20	33																										
MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	VAC	SL
JAN																																20	33
FEB																																20	33
MAR																																20	33
APR																																15	32
MAY																																15	32
JUNE																																15	32
JULY																																15	32
AUG																																15	24
SEP																																5	23
OCT																																5	23
NOV																																-	28
DEC																																-	21

7-1-96 PL + PL + PL + PL +
 7-1-97 PL 7/26 PL 7/27 PL 7/28 PL 7/29
 ROSE, PATRICK

7-1-96 SL _____ SL _____ SL _____ SL _____ SL _____
 7-1-97 SL _____ SL _____ SL _____ SL _____ SL _____
 P.O.

Michael Ross -

Patrick Rose got
Pretrial Probation - ordered
by Ct. to get counseling
hasn't provided documentation
re: fitness to return to duty
not cooperating
won't authorize release
of medical records.