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Baystate security union labor case goes to court in Hartford today

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Monday, August 20, 2018

After months with the possibility of settling a dispute that centers around the forming of a security union at Baystate Franklin Medical Center, alleging the hospital's then-president Cindy Russo tampered with the creation of the union, the labor case goes before a judge in federal court today.

If found guilty of any of the seven separate charges brought forward to U.S. District Court in Hartford, the Greenfield hospital may have to reinstate employees who were fired or issue back pay. The National Labor Relations Board cannot penalize Baystate Franklin unless the hospital fails to follow the potential directives from the court.

The trial is expected to last just short of a week, based on its breadth and what's being charged. It had initially been scheduled to go to court in May, but had been delayed until August.

The case stems from unfair labor practice charges filed throughout the first half of 2017, as a security union was trying to form — at the same time outside political and media pressure built up around the ongoing labor dispute with the hospital's unionized nurses looking for a contract.

As the case has approached a court date, it has become clearer what the security union has alleged, particularly in relationship to the role of upper administration at the hospital, including Russo. The complaints — all of which the hospital has denied — claim Baystate's administration tried to prevent a security union from forming. The union ultimately formed in February.

In court filings obtained by the Recorder before the Aug. 20 trial, Baystate Franklin Medical Center has requested to kill at least four of the labor board's subpoenas for documents in the past week. The hospital argues that a few of these subpoenas are too broad or unrelated to what the labor board is looking for in its case.

The security union names nine hospital employees in its complaint, including Russo, Senior Director of Labor and Employee Relations Kerry Damon, Security Supervisor Fred Bogalhas and the Director of Human Resources Tony Triano.

The complaint to be heard in court alleges Russo and Bogalhas “unlawfully interrogated and surveilled employees” from January to February 2017. It further states Baystate Franklin Medical Center unlawfully discharged one of the security employees and fired three of the security employees between April and July 2017.



On Thursday, the hospital requested the subpoena be revoked for being overly broad, unclear and untimely regarding Bogalhas. The subpoena asked for “all emailed or texted correspondence by and between Fred Bogalhas and management representatives involving any issues pertaining to employees,” from June 2016 to June 2017, “including but not limited to communications that concerned any allegation, or the investigation of any allegation, or complaint made,” by members of the security department.

In May, following the security union filing two unfair labor charges over the firing of two officers and for not receiving their annual merit raises, Baystate Franklin Security Officers Union Spokesman and Organizing Director of Law Enforcement Officers Security Unions Steve Maritas spoke about the issues he saw. At the time, the newly formed union was still negotiating its first contract.

“I guess they are retaliating against the security officers,” Maritas said in May. “All of a sudden, they’re coming up with excuse after excuse to try to terminate (officers).”

A Baystate Health spokesman had said the unfair labor practice charges followed typical narrative of unions, “as a tactic to get media attention,” and the charges are often dismissed or withdrawn.

Russo said at the time the hospital is going through its proper investigation and, “I respect the confidentiality of my employees unlike the union that has not shared that same respect.”

Maritas argued, however, “We want our story told. That’s the bottom line ... We need to protect ourselves and if that means letting out the truth, then let it out.”

In December, Russo announced her resignation as president of the hospital after 18 months leading Baystate Franklin.

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