



THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
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July 16, 2010

Honorable Therese Murray
President of the Massachusetts Senate

Honorable Robert A. Deleo
Speaker of the Massachusetts House of Representatives

Dear Senate President Murray and Speaker DeLeo:

As you are aware, an arbitrator ruled that the judiciary violated the terms of the collective bargaining agreement with the Office and Professional Employees International Union (OPEIU) Local 6 by failing to pay certain negotiated wage increases. The judiciary paid wage increases for FY '08 through a supplemental budget. The Fiscal Year 2009 and Fiscal Year 2010 increases were not funded. Basing his decision on Boston Teachers Union, Local 66 v. School Committee of Boston, 452 Mass. 275 (1982), the arbitrator ruled that an appropriation for the first year of a multi-year collective bargaining agreement constitutes legislative approval of the entire term of the agreement, including salary increases in the second and third year.

The impact of this decision is twofold. For FY's 2009 and 2010, the judiciary owes the Local 6 employees \$32 million in retroactive salary (covering the Trial Court, the Supreme Judicial Court and the Appeals Court). For Fiscal Year 2011, the cost to implement the new salaries totals \$18.6 million (covering the same courts).

On June 22, 2010, a request was made to the Office of the Comptroller's Settlement and Judgment account to fund the \$32 million in retroactive monies owed under the arbitration award. On June 30, 2010, the Comptroller's Office notified my office that they were unable to process the request because the account balance for FY 2011 was exhausted. The Comptroller's Office further instructed my office to seek a separate appropriation from the legislature specifically to fund this award.

On July 9, 2010, Governor Patrick filed a supplemental budget request, HB4868, which included funding for thirty collective bargaining agreements. Based on the arbitration award and the Comptroller's instruction, I am requesting that funding for the OPEIU collective bargaining agreement be included in this legislation. More specifically, I am requesting collective bargaining reserves be added to this supplemental budget for the judiciary for the \$32 million owed for FY's 2009 and 2010 and for \$18.6 million for Fiscal Year 2011.

I want to express in advance my appreciation for your consideration of this request as you address the Commonwealth's fiscal challenges on a daily basis. Please contact me at 617-878-0203, if you need additional information.

Very truly yours,



Robert A. Mulligan
Chief Justice for
Administration and Management

RAM/jl

cc: Honorable Margaret H. Marshall, Chief Justice, Supreme Judicial Court
Honorable Phillip Rapoza, Chief Justice, Appeals Court
Honorable Steven C. Panagiotakos, Chairman, Senate Committee on Ways and Means
Honorable Charles A. Murphy, Chairman, House Committee on Ways and Means
Honorable William M. Cowan, Chief Legal Counsel, Office of the Governor
Secretary Jay Gonzalez, Executive Office for Administration and Finance