

## Labor – Demotion

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By admin

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Where a police sergeant was demoted, the demotion was in retaliation for protected activity and thus he must be reinstated.

"[W]e find, and the Town does not contest, that [Raymond] Orr was engaged in protected activity when he supported [Dennis] Rizzuto in his efforts to have his seniority restored and when he was elected Union president on September 4, 2002. The third element, adverse action, is also uncontested and easily met by the Town's decision to demote Orr from sergeant to patrolman on or about May 1, 2003. ....

"The record in this case demonstrates that the Town, through its counsel, administrators and Selectmen, engaged in a pattern of disparate treatment and deviation from established practice that consistently favored the pro-[Kathleen] Englehart faction of the police force, particularly [Michael] O'Donnell and [David] Zadok, over those employees that supported Rizzuto. These incidents show that the Town's decision to demote Orr was motivated by his protected, concerted activity."

*In the Matter of: Town of Carver and Orr (Lawyers Weekly No. 21-037-08) (82 pages) (Byrnes, Chairman; O'Neill, Member) (Division of Labor Relations) David C. Jenkins and Maria C. Rota, of Kopelman & Paige, for the town; John G. Walsh, of Schneider & Walsh, for Raymond Orr (Case No. MUP-03-3894) (June 30, 2008).*