

THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
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October 6, 2008

BY FAX and first class mail

Richard H. Anderson, Jr.
Chief Negotiator
National Association of Government Employees
159 Burgin Parkway
Quincy, MA 02169

RE: Contract negotiations

Dear Mr. Anderson:

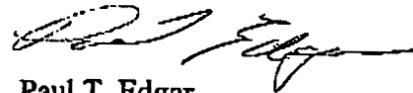
Along with the Union, the Chief Justice and Trial Court negotiation team have been awaiting the fact-finder's report and recommendations to assist us all in our continued contract deliberations. We understand that we now cannot expect that report for several more weeks, and in the meantime the economic situation has changed dramatically.

As you know, our contract negotiations started in July, 2006. When the Trial Court made a "last best offer" to the Union in 2007, including wage and benefit increases, the Commonwealth's fiscal circumstances appeared to be sufficiently strong to support those increases for this bargaining unit. The Union's rejection of that offer led us to mediation and fact-finding. In mid-July, just after the fact finding hearings concluded, the Governor signed the fiscal year 2009 state budget, vetoing over \$122 million and seeking an expansion of emergency 9C powers in preparation for a potential decline in state tax revenues. In its August post-hearing brief, the Trial Court noted that there was now a time of "economic difficulty and uncertainty." Recently, the Commonwealth's Treasurer announced that the state would be required to borrow money at a higher than usual interest rate and that it would also be necessary to tap the state's rainy day fund. The Governor has announced the need for significant spending cuts across all sectors of the Commonwealth, and there is now daily news of even more serious shortfalls in the fiscal picture. The Trial Court must prepare for this budgetary impact and curtailed spending. These events of the last several weeks, with national as well as local effects, have required a reassessment of the bargaining position of the Trial Court and the responsible wage and benefit increases that can be offered to employees at this time. Regretfully, because of the deteriorating economic condition of the Commonwealth, the Trial Court cannot continue to maintain its prior

economic offers, specifically including a three percent cost of living increase for each of the three years of the agreement, the application of that increase to the POII differential, a Step 8 for those titles that did not receive a Step 8 in July, 2000, any increase in the court officer uniform allowance or increased compliment of uniforms at the time of hire, or any increase in the contribution to the dental/optical trust.

The management team is prepared to meet and discuss the effects of these difficult changed circumstances and by copy of this letter have notified the fact-finder. Please contact me at your earliest convenience to schedule our meeting.

Yours truly,



Paul T. Edgar,
Director of Human Resources

PTE/jd

cc: Hon. Robert A. Mulligan, Chief Justice for Administration and Management
William G. Hayward, Esq.