

CONNECT 

**MASSACHUSETTS
MUNICIPAL
ASSOCIATION**

LABOR LAW

UPDATE ON LABOR COURT CASES AND LEGISLATION
UPDATE



SEDER & CHANDLER, LLP.

Worcester | Westborough

©SEDER & CHANDLER, LLP, 2025. ALL RIGHTS RESERVED



Presenter :

D. M. MOSCHOS, ESQUIRE

LEGISLATION

CASE LAW



LEGISLATION



1. Massachusetts Civil Service Reform Legislation

2. Massachusetts Pay Transparency Act

3. Fair Labor Standards Act (FLSA) Overtime Regulations for Exempt Employees

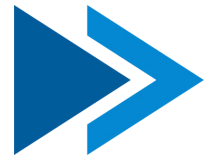
4. Expansion of Massachusetts Earned Sick Time Law

5. Social Security Fairness Act

6. Violent Assault Disability Benefits for First Responders



CASE LAW



1. Massachusetts Appeals Court held that surreptitious audio-visual recording of a drug transaction in a public place violated the Massachusetts Wiretap statute and that the proper remedy to this violation is suppressing both the audio and visual components of the recording.

Commonwealth v. Du, 103 Mass. App. Ct. 469 (2023), review granted, 493 Mass. 1106 (2024)



CASE LAW

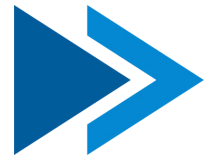


2. The United States Supreme Court held a government official may be liable under 42 U.S.C. § 1983 for violating another social media user's 1st amendment rights by blocking the user or deleting the user's comments if the official had actual authority to speak for the State on the issue in the relevant posts and exercised that authority in the relevant posts.

Lindke v. Freed, 601 U.S. 187, 144 S. Ct. 756 (2024)



CASE LAW



3. The Massachusetts Appeals Court, reversing the Commonwealth Employment Relations Board (CERB), held that the City of Everett could promote the Fire Chief without bargaining to an impasse or resolution with the Everett Firefighters as managerial positions are not within the scope of the Collective Bargaining Agreement.

**City of Everett v. Commonwealth Employment Relations Board,
101 Mass. App. Ct. 1122 (2022)**



CASE LAW

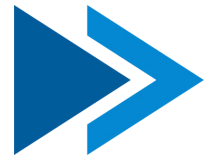


4. The Supreme Judicial Court of Massachusetts held that a municipal civility code requiring “respectful and courteous” remarks at public meetings violated the First Amendment and articles of the Massachusetts Declaration of Rights and that board members were not entitled to qualified immunity.

Barron v. Kolenda, 203 N.E.3d 1125 (2023)



CASE LAW



5. Massachusetts Appeals Court reversed the Superior Court decision and held that an insurer that refuses to take action in defense of the insured without a reservation of rights when the insurer knew or should have known that the claim was covered can be found to have breached its duty to the insured.

John Moriarty & Associates, Inc. v. Zurich American Insurance Co., 102 Mass. App. Ct. 474 (2023)



CASE LAW



6. Town of Brookline voluntarily dismissed Appeal of Norfolk Superior Court of award of a 4% Stipend for holding a certification from the POST Commission.

Town of Brookline v. Brookline Police Union, Norfolk Superior Court Docket No. 2382CV00594 (June 30, 2023)



CASE LAW



7. Massachusetts District Court held that Plaintiff did not need to identify a specific false statement for a defamation claim to survive a motion to dismiss, and that question of malice as related to a Tortious Interference Claim was not to be resolved at the motion to dismiss stage

Wood vs. City of Haverhill, D. Mass., No. 1:23-CV-12377-JEK (Sept. 13, 2024)



CASE LAW



8. Massachusetts District Court held that informing the public about a current investigation is not defamation if the investigation is truthfully occurring, even if releasing the information is “mean spirited.”

Devine vs. Town of Hull, D. Mass., No. 21-CV-11230-PBS (Jan. 17, 2024)



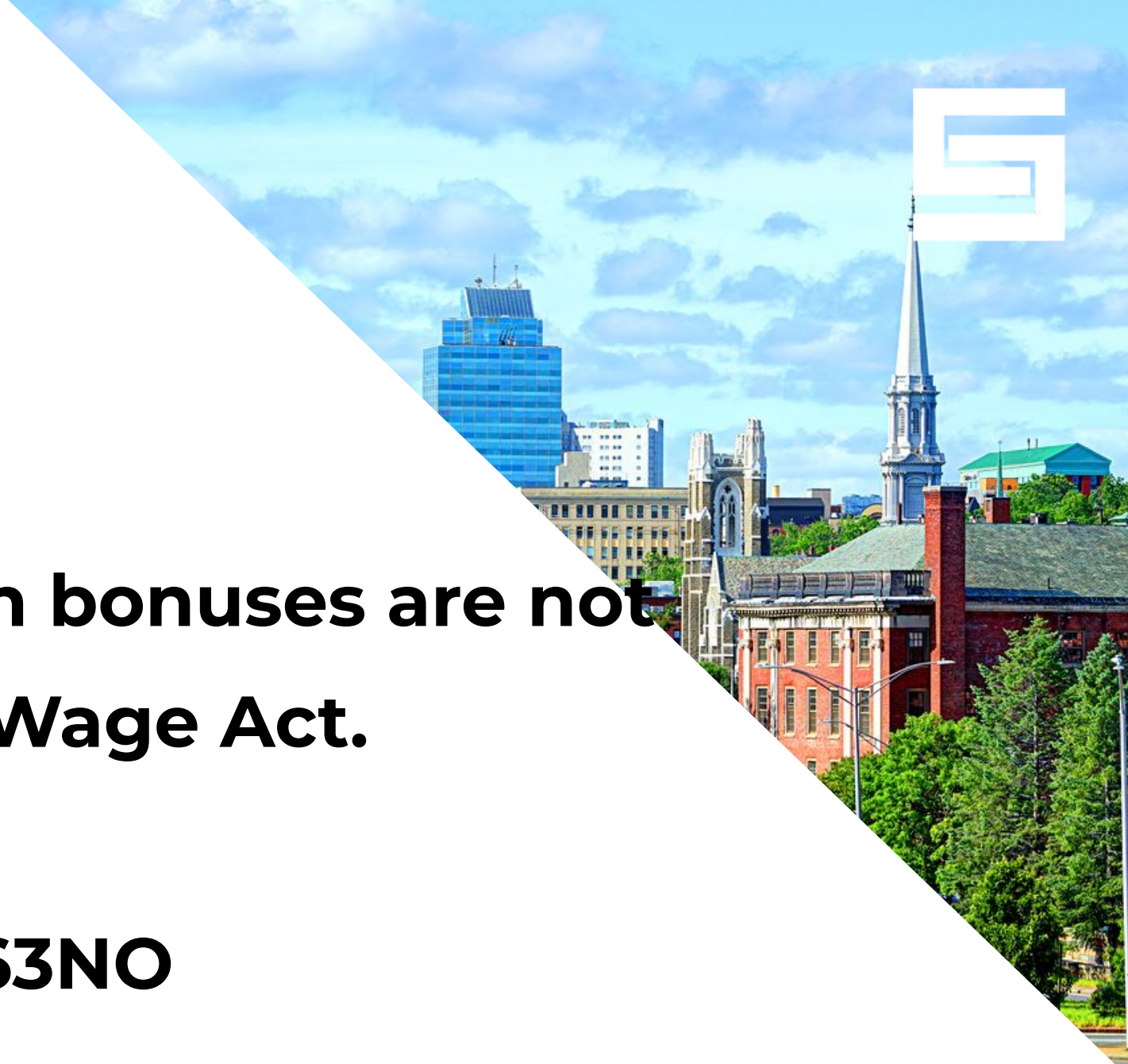
CASE LAW



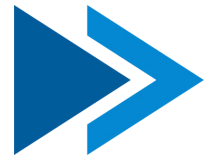
9. Massachusetts Appeals Court finds retention bonuses are not wages for the purposes of the Massachusetts Wage Act.

Nunez v. Syncsort Incorporated NO. 23-ADCV-63NO

10. 1st Circuit Appeals Court held that the dismissal stage was not the appropriate time to resolve issues of sincerity of religious belief in a COVID-19 vaccine objection case as sincerity and hardship are factual issues.



CASE LAW



11. The Massachusetts Supreme Judicial Court clarifies the scope of various exemptions to the Massachusetts public records law.

Mack v. Dist. Attorney for Bristol Dist., 494 Mass. 1 (2024)

12. Massachusetts Appeals Court held that a police union did not have to prove a sergeant had a generally good work record to establish a prima facie case of retaliation.



LEGISLATION



1. Massachusetts Civil Service Reform Legislation

On November 20, 2024, Governor Healey signed into law an economic development bill, titled An Act Relative to Strengthening Massachusetts' Economic Leadership, or the Mass Leads Act (Chapter 238 of the Acts of 2024).

- a. The Act includes substantial reforms to the Commonwealth's civil service laws that are intended to provide more hiring flexibility for key civil service positions in police and fire departments.
- b. Among these changes is the creation of a new "hybrid" hiring pathway that allows participating municipalities to fill up to 50% of entry-level police and fire department positions without going through the traditional civil service exam process.
- c. This reform will permit departments to consider prospective hires from the pool of "hybrid" candidates immediately, regardless of whether they have completed a civil service examination at that time.
- d. Once the candidate satisfies all requisite background and medical checks, the state's Human



LEGISLATION

2. Massachusetts Pay Transparency Act

On July 31, 2024, Governor Healey signed a new law providing for pay transparency, denominated as Chapter 141 of the Acts of 2024. This Act has two key provisions: (1) the posting of a disclosure of salary ranges for employees' job classifications; and (2) the filing of equal employment opportunity reports sent to the federal government, to also be filed with the Secretary of State on February 1.

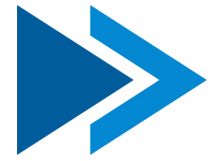
i. The Posting of Salary Ranges

For employers of 25 or more employees, the law requires for each job posting it, shall include the annual salary or hourly wage range that the employer “reasonably and in good faith expects to pay for the position.” It appears that the salary range is the base wage for the position and does not include stipends and other pay benefits. This section of the law is effective on October 29, 2025.

The posting requirement applies to the following activities:

- a. Any advertisement of a job posting for the recruitment of a specific position, whether completed directly by the Employer or by a third party for the Employer.
- b. In any offer of promotion, the employer shall provide the pay range for that position.
- c. For a transfer to a new position with different job responsibilities, the employer shall provide the pay range for the new position.

LEGISLATION



2. Massachusetts Pay Transparency Act

i. Filing of EEO Reports with the Secretary of State

All employers meeting the threshold will have to file EEO reports also with the Secretary of State as outlined below:

a. Private employers of more than 100 employees have to annually file their EEO-1 reports with the Secretary of State by February 1, 2025, and thereafter annually.

b. State and local government information report EEO-4 needs to be filed with the Secretary of State by the public employer every other year by February 1. Public employers subject to the EEO-4 filing are not required to do so until February 1, 2026.

c. Elementary and secondary schools subject to the EEO-5 data report need to also file their reports with the Secretary of State every other year on February 1.

The law specifically provides that such filing will not be subject to the Public Records Law. The Secretary will organize the documents for transmittal to the State Secretary of Labor and Workforce Development, who shall publish on its website the aggregate wage data reports. The Secretary of Labor will have to publish such reports by July 1, annually.

LEGISLATION

2. Massachusetts Pay Transparency Act

i. Enforcement of the Pay Transparency Act

The statute provides exclusive jurisdiction for the enforcement of the law with the Attorney General and does not provide an employee with a private right of a lawsuit against the employer.

Violation of this Act is subject to fines, with the first offense being a warning and subsequent offenses subject to monetary penalties. The Act does not authorize triple damages like the Wage Act.

ii. No Retaliation or Discrimination

The Act contains new retaliation and discrimination provisions protecting an employee who exercises their rights under the posting provisions of this Act.



LEGISLATION



3. New FLSA Overtime Regulations for Exempt

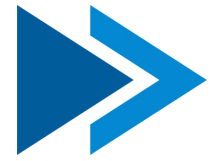
Employees

The United States Department of Labor has adopted new regulations as of July 1st, 2024, regarding the salary weekly requirements for exempt employees. To be exempt from FLSA overtime rules, exempt employees must meet a salary and duties test. The new salary requirements are as follows:

- a. The salary requirement before July 1, 2024, was \$684 per week, which is equal to \$35,568 per year.
- b. Effective as of July 1, 2024, the minimum salary payment per week will be increased to \$844, or if annualized, will be equal to \$43,088.
- c. On January 1, 2025, the \$844 will be increased to \$1,128 per week or if annualized, will increase to \$58,656.
- d. In addition, the highly compensated employee duties exemption, which limits the number of duties requirements, has been increased from \$107,432 per year to \$132,964 per year, as of July 1, 2024, and will be increased to \$151,164 per year, effective January 1, 2025.
- e. Finally, the Department of Labor rules provide that the annual salary exemption will be reviewed in 2027, and every three years thereafter, in order to keep the figures updated for inflation.
- f. The Federal District Court of Texas has enjoined the enforcement of the Regulations pending the suit challenging the legality of the Regulations.



LEGISLATION



4. Expansion of Massachusetts Earned Sick Time Law

As of November 21, 2024, amendments to the Massachusetts Earned Sick Time statute now permit workers to use their earned sick time to “address the employee’s own physical and mental health needs, and those of their spouse, if the employee or the employee’s spouse experiences pregnancy loss or a failed assisted reproduction, adoption or surrogacy.”

a. The amendment does not define “pregnancy loss” or “failed assisted reproduction, adoption or surrogacy” (presumably meaning miscarriage, stillbirth, etc.)

b. “Assisted reproduction” – potentially includes in vitro fertilization (IVF), intracytoplasmic sperm injection (ICSI), intrauterine insemination (IUI), etc.

LEGISLATION

5. Social Security Fairness Act

On January 6, 2025, President Biden signed the Social Security Fairness Act into law, officially repealing two tax provisions that had previously operated to reduce benefit payments for some public servants.

a. The Windfall Protection Provision (WEP) reduced the Social Security benefits available to retirees who spent a portion of their career in the private sector in addition to a government job where Social Security was not intended as an element of their retirement income, such as the civil service retirement system.

b. The Government Pension Offset (GPO) reduced spousal and survivor Social Security benefits in families with retired government workers.

c. This reform will effectively increase Social Security benefits for millions of pensioners, some of whom could see their monthly benefits increase by up to \$500.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

On July 31, 2024, Governor Healey signed Chapter 149 of the Acts of 2024, An Act Relative to Disability Pensions and Critical Incident Stress Management for Violent Crimes (“Violent Assault Disability”). This Act creates an enhanced new type of G. L. c. 32, § 7 accidental disability retirement benefit for firefighters, emergency medical technicians, licensed health care professionals, and certain police officers who become permanently physically disabled with a catastrophic, life-threatening or life-altering bodily injury disability as the result of a Violent Act Injury by means of a dangerous weapon.

a.The effective date of this Act is October 29, 2024, and the Violent Act Injury disability will be available to any member who qualifies and has not been approved for disability as of that date.

b.Anyone who has previously been approved for disability is not eligible to have the provisions of this act apply to their retirement allowance and their benefit cannot be recalculated.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

i. Definition of “Violent Act Injury”

“Violent Act Injury” is defined in G.L. c. 32, § 1 as: “A catastrophic, life-threatening or life-altering and permanent bodily injury sustained as a direct and proximate result of a violent attack upon a person by means of a dangerous weapon, which is designed for the purpose of causing serious injury or death, including, but not limited to, a firearm, knife, automobile or explosive device.”

In order to qualify for a disability under the Violent Act Injury provision a member must demonstrate, and the retirement board must determine that all three of the following elements are established:

- a. That they suffered a catastrophic, life-threatening or life-altering permanent bodily injury;
- b. That the injury was the direct and proximate result of a violent attack upon a person, which means the injury must result from an intentional physical act, and not result from an accident or from negligence; and
- c. That the attack was by means of a dangerous weapon as defined in this statute – i.e., “designed for the purpose of causing serious injury or death.”



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

As the definition of a “Violent Act Injury” makes clear, this enhanced disability benefit is not for every instance in which a member suffers a disability in the line of duty. The definition clarifies that the permanent bodily injury must be of a catastrophic, life-threatening or life-altering nature. The definition states that the injury must be a permanent bodily injury and Section 2 of the Act amends paragraph (1) of Section 7 to make clear that the member must be physically unable to perform their essential duties. These two provisions mean that only physical injuries qualify a member for the Violent Act Injury disability. Therefore, psychological and emotional disabilities do not and will not qualify.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

A catastrophic, life-threatening or life-altering injury must be something that goes beyond preventing a member from being physically able to perform the essential duties of their position (the current disability standard and still available to all). The Massachusetts Public Employee Retirement Administration Commission (PERAC) intends to initiate a regulatory process that will define these terms. Until that time, as an illustration, PERAC highlights the following example of the United States Department of Labor Office of Workers' Compensation Programs definition of "catastrophic:"

...those in which the injured worker (IW) has sustained life-threatening injuries or the injury has resulted in extensive functional deficits where the medical recovery is expected to extend over a long or indefinite period of time (traumatic head or spinal cord injuries, severe burns, strokes, multiple fractures, amputations, etc.). Catastrophic cases are primarily those cases involving multiple and/or complex medical conditions and involve multiple and various medical specialists and other health care professionals.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

By no means are these the only examples of “catastrophic,” but this definition is included to illustrate the nature of injuries rising to this level.

In addition to requiring that the member suffer a catastrophic, life-threatening or life-altering permanent bodily injury that injury must be the result of a violent attack upon the member by the means of a dangerous weapon. A dangerous weapon in this statute is defined as a weapon “which is designed for the purpose of causing serious injury or death, including, but not limited to, a firearm, knife, automobile or explosive device.” Thus, an assault or violent attack on a member must be perpetrated by the use of a weapon which is designed to injure or kill, not simply an everyday item that is used in the attack. A member who is punched or kicked and sustains serious injury would not qualify for the enhanced disability under this provision because such an assault does not involve a dangerous weapon that was designed for the purpose of causing serious injury or death.

While an automobile is not designed for the purpose of causing serious injury or death, it is specifically listed in the statute. In order for an injury from an automobile accident to qualify under this statute, it must be demonstrated that the automobile was intentionally used in a violent attack upon the member. A typical automobile accident, or one



LEGISLATION



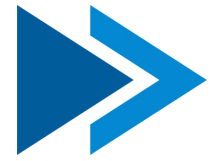
6. Violent Assault Disability Benefits for First Responders

Section 3 of Chapter 149 of the Acts of 2024 inserts a new clause (iv) into Section 7(2) of Chapter 32 that details the benefit amount and specifies the limited group of members who may qualify for consideration under the Violent Act Injury provision. That clause limits the potential candidates to the following:

Notwithstanding clauses (i) to (iii), inclusive, a yearly amount of pension for any firefighter, any call, volunteer, auxiliary, intermittent or reserve firefighter, any call, volunteer, auxiliary, intermittent or reserve emergency medical services provider who is a member of a police or fire department and who is not subject to chapter 152, any police officer, any auxiliary, intermittent, special, part-time or reserve police officer or any municipal or public emergency medical technician or licensed health care professional...

Accordingly, the Violent Act Injury is NOT available to all public employees. Indeed, the Violent Act Injury benefit is potentially available only to police officers, firefighters, EMTs and other licensed health care professionals. State Police do not qualify for the Violent Act Injury benefit because they do not retire under Section 7 of Chapter 32. State Police benefits are determined under Section 26 and no reference to the Violent Act Injury benefit was inserted into Section 26.

LEGISLATION



6. Violent Assault Disability Benefits for First Responders

i. Benefits

A member found to be disabled under Section 7 receives an accidental disability retirement benefit that provides for a pension of 72% plus an annuity. Under the new Violent Act Injury provision, however, a member receives a benefit equal to 100% of the regular rate of compensation which would have been paid to the member had they continued in service at the grade held by the member at the time of their retirement. This 100% benefit includes all compensation, including stipends, that were being paid to the member on the date of injury and which were included as pensionable earnings. This 100% benefit is adjusted in the same manner as a Section 100 benefit and is payable to the member until their death or until they reach mandatory retirement age.

Upon retirement the member receives a lump sum payment from the retirement board equal to the member's total accumulated retirement deductions.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

The statute further provides that, upon reaching the mandatory retirement age for the position, if applicable, the member's benefit must be reduced to 80% of the average annual rate of compensation paid to the member in the previous 12 months. This 80% amount will be adjusted annually by any cost-of-living increases ("COLAs") that a retirement board approves. This benefit level will continue until the member's death. If there is no mandatory retirement age then the benefit does not get reduced from the 100% level but continues unchanged.

If the member predeceases their spouse, prior to the mandatory retirement age, then the spouse is entitled to 75% of what the member would have received had they not died. The spouse's benefit, upon the date the member would have reached mandatory retirement, becomes 75% of the benefit the member would have received at the time they reached mandatory retirement (75% of the 80% benefit). This amount would then be increased by any COLAs that a retirement board approves. If the member was in a position that was not subject to a mandatory retirement age then the benefit for the spouse will be 75% of the amount that the member would have received had they not died.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

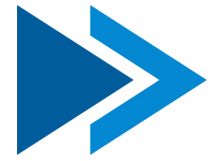
Upon the death of the member the spouse shall be eligible for the 75% specified in Section 7. The Violent Act Injury disability specifies which benefits a surviving spouse is eligible to receive and thus a surviving spouse is not eligible for a Section 9 benefit. Under Chapter 32 a member or beneficiary is not eligible to receive two benefits on account of one member.

If the member and their spouse predecease their children and any of the member's children are unmarried, under the age of 18 or under age 22 and full-time students, or are over age 18 but physically or mentally incapacitated from earning income on the date of the member's retirement, such children shall be entitled to a benefit equal to 75% of the amount of the pension payable to the member at the time of their death. This benefit would be split equally between all eligible children. When a child is no longer eligible for their portion of the benefit it shall cease and the other children will continue to receive their original portion. The benefit of the remaining children is not increased when one of their number is no longer eligible.

Upon retirement under the Violent Act Injury provision the member's benefit will be paid as an Option A allowance. The member's accumulated total accumulated deductions are returned to the member and therefore there can be no



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

i. Post-Retirement Earnings

Members retired under the Violent Act Injury clause have different earnings limitations than those established by Chapter 32 Sections 91(b) and 91A. A member retired under the Violent Act Injury may earn up to $\frac{1}{2}$ of the amount of their retirement allowance if they work in the public sector. They are prohibited from doing any work in a position classified in Group 3 or Group 4. Members may be employed in the private sector or by a private entity without any earnings or hours restrictions, provided that service is not devoted to the Commonwealth, or a city, town, district or authority, therein.

ii. Critical Incident Stress Management

A new subdivision (7) has been added to Section 7 by Chapter 149 of the Acts of 2024 which requires that those members eligible for the Violent Act Injury disability shall be provided with notice of critical incident stress management debriefing programs, including the location and times for the programs and contact information. This is the responsibility of the employer and does not require any action by the retirement board.



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

i. How Should Boards Handle Applications for a Violent Act Injury Disability?

The Member's Application for Disability Form and the Employer's Involuntary Disability Application will be updated to provide for the option of a member or the employer to apply for an accidental disability with a Violent Act Injury. Once the Board receives an application in which the member or the employer has selected this option, the Board will process it like any other disability, by gathering the same information and any forms that are required for a Section 7 ADR application.

If a Board receives an application for voluntary or involuntary ADR that does not check off the Violent Act Injury provision, but the Board determines that the situation would merit consideration of the application under that provision, then the Board should discuss it with the member or employer and amend the application if warranted.

Likewise, if a Board receives an application for ADR in which the member or employer checks off the Violent Act Injury provision, but the Board has reason to believe that the member may not be eligible due to the above-listed restrictions of the provision, then the Board should notify the member or the employer of those restrictions and the member or



LEGISLATION



6. Violent Assault Disability Benefits for First Responders

Unlike the majority of G.L. c. 32, Section 7 applications, Violent Act Injury applications MUST include Board Findings of Fact, which must be submitted to PERAC for its 30-day disability review process. Findings of Fact for a Violent Act Injury application are essential to ensure that the injury sustained qualifies for the enhanced benefits of this provision. The Findings of Fact should detail the injury sustained and how it was catastrophic, life-threatening or life altering, the dangerous weapon that was used in the assault and the circumstances of such assault, and any other information the Board relied upon in determining that the member qualified for the Violent Act Injury provision.





CASE LAW



**Commonwealth v. Du, 103 Mass. App. Ct. 469 (2023),
review granted, 493 Mass. 1106 (2024)**

- 1. Massachusetts Appeals Court held that surreptitious audio-visual recording of a drug transaction in a public place violated the Massachusetts Wiretap statute and that the proper remedy to this violation is suppressing both the audio and visual components of the recording.**

Commonwealth v. Du, 103 Mass. App. Ct. 469 (2023), review granted, 493 Mass. 1106 (2024)

Further Developments

The Supreme Judicial Court affirmed the Appeals Court holding under substantially similar reasoning in November of 2024.



CASE LAW



Lindke v. Freed, 601 U.S. 187, 144 S. Ct. 756 (2024)

2. The United States Supreme Court held a government official may be liable under 42 U.S.C. § 1983 for violating another social media user's 1st amendment rights by blocking the user or deleting the user's comments if the official had actual authority to speak for the State on the issue in the relevant posts and exercised that authority in the relevant posts.

Lindke v. Freed, 601 U.S. 187, 144 S. Ct. 756 (2024)

CASE LAW



City of Everett v. Commonwealth Employment Relations Board, Mass. App. Ct. (2022)

3. The Massachusetts Appeals Court, reversing the Commonwealth Employment Relations Board (CERB), held that the City of Everett could promote the Fire Chief without bargaining to impasse or resolution with the Everett Firefighters as managerial positions are not within the scope of the Collective Bargaining Agreement.

City of Everett v. Commonwealth Employment Relations Board, 101 Mass. App. Ct. 1122 (2022)

CASE LAW



Barron v. Kolenda, 203 N.E.3d 1125 (2023)

4. The Supreme Judicial Court of Massachusetts held that a municipal civility code requiring “respectful and courteous” remarks at public meetings violated the First Amendment and articles of the Massachusetts Declaration of Rights and that board members were not entitled to qualified immunity.

Barron v. Kolenda, 203 N.E.3d 1125 (2023)

CASE LAW



John Moriarty & Associates, Inc. v. Zurich American Insurance Co., 102 Mass. App. Ct. 474 (2023)

5. Massachusetts Appeals Court reversed Superior Court decision and held that an insurer that refuses to take action in defense of insured without a reservation of rights when the insurer knew or should have known that the claim was covered can be found to have breached its duty to the insured.

John Moriarty & Associates, Inc. v. Zurich American Insurance Co., 102 Mass. App. Ct. 474 (2023)



CASE LAW



Town of Brookline v. Brookline Police Union, Norfolk Superior Court Docket No. 2382CV00594 (June 30, 2023)

6. Town of Brookline dismisses appeal of an award of a 4% Stipend for holding a certification from the POST Commission.

Town of Brookline v. Brookline Police Union, Norfolk Superior Court Docket No. 2382CV00594 (June 30, 2023)

Update

The Town filed an appeal of the award, with its arguments mirroring those of the dissent. However, the Town has since voluntarily dismissed the appeal.



CASE LAW



**Wood vs. City of Haverhill, D. Mass., No. 1:23-CV-12377-JEK
(Sept. 13, 2024)**

7. Massachusetts District Court held that Plaintiff did not need to identify a specific false statement for a defamation claim to survive a motion to dismiss, and that question of malice as related to a Tortious Interference Claim was not to be resolved at the motion to dismiss stage

Wood vs. City of Haverhill, D. Mass., No. 1:23-CV-12377-JEK (Sept. 13, 2024)

CASE LAW



Devine vs. Town of Hull, D. Mass., No. 21-CV-11230-PBS (Jan. 17, 2024)

8. Massachusetts District Court held that informing the public about a current investigation is not defamation if the investigation is truthfully occurring, even if releasing the information is “mean spirited.”

Devine vs. Town of Hull, D. Mass., No. 21-CV-11230-PBS (Jan. 17, 2024)

Update:

In July of 2024, the Town of Hull settled the case for \$700,000.

CASE LAW



Nunez v. Syncsort Incorporated NO. 23-ADCV-63NO

9. Massachusetts Appeals Court finds retention bonuses are not wages for the purposes of the Massachusetts Wage Act.

Nunez v. Syncsort Incorporated NO. 23-ADCV-63NO

CASE LAW



Bazinet v. Beth Israel Lahey Health, Inc., 113 F.4th 9 (1st Cir. 2024)

10. 1st Circuit Appeals Court held that the dismissal stage was not the appropriate time to resolve issues of sincerity of religious belief in a COVID-19 vaccine objection case as sincerity and hardship are factual issues.

Bazinet v. Beth Israel Lahey Health, Inc., 113 F.4th 9 (1st Cir. 2024)

CASE LAW



Mack v. Dist. Attorney for Bristol Dist., 494 Mass. 1 (2024)

11. The Massachusetts Supreme Judicial Court clarifies the scope of various exemptions to the Massachusetts public records law.

Mack v. Dist. Attorney for Bristol Dist., 494 Mass. 1 (2024)

CASE LAW



**Newton v. Commonwealth Employment Relations Bd., 104
Mass. App. Ct. 203 (2024), review granted, 494 Mass. 1106**

(2024)

12. Massachusetts Appeals Court held that a police union did not have to prove a sergeant had a generally good work record to establish a prima facie case of retaliation.

Newton v. Commonwealth Employment Relations Bd., 104 Mass. App. Ct. 203 (2024), review granted, 494 Mass. 1106 (2024)

Update:

The Supreme Judicial Court has granted review of this case, so further developments are possible.

D. M. MOSCHOS, ESQ.

Mr. Moschos is Chair of the firm's Labor & Employment, Litigation, Education & Corporate Law Groups.

[774\) 243-9959](tel:7742439959)

DMOSCHOS@SEDERLAW.COM

- **Conducted more than 600 labor negotiations in both the public and private sectors.**
- **Elected to Massachusetts Lawyer's Weekly Hall of Fame, 2023**
- **Fellow of the College of Labor and Employment Lawyers which includes the leading labor lawyers in the United States.**
- **Participated in the drafting Massachusetts Labor Statute.**



S SEDERLAW

ATTORNEYS | Est. 1918

Seder & Chandler LLP

www.sederlaw.com

