



November 5, 2018

Edward Srednicki, Executive Secretary
Charles F. Hurley Building
Massachusetts Department of Labor Relations
19 Staniford St.
Boston, MA 02114

RE: Public Schools of Brookline and Brookline School Committee

Dear Mr. Srednicki:

Enclosed please find for filing an original and two (2) copies of the Charging Party's Charge of Prohibited Practice.

I hereby certify that I have this day forwarded a copy of the enclosed Charge of Prohibited Practice to:

Elizabeth Valerio, Esq.
Deutch, Williams, Brooks, Derensis & Holland
One Center Plaza, Boston, MA 02110

Very truly yours,

Phillip Katz
MTA Field Representative

Cc: Jessica Wender-Shubow, BEA President
Andrew Bott, Brookline Superintendent of Schools
Rich Mullane, MTA Attorney
Elizabeth Valerio, Esquire



COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
CHARGE OF PROHIBITED PRACTICE
M.G.L. c.150E

DO NOT WRITE IN THIS SPACE

Case No.	Date Filed
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INSTRUCTIONS: Answer all applicable questions. Failing to provide information may result in the dismissal of the charge.

Note: Pursuant to 456 CMR 15.04, the DLR will not issue a complaint unless the charging party has complied with the applicable provisions of M.G.L. c.150E, §§13 and 14.

1. Employer Public Schools of Brookline	2. Representative to contact Elizabeth Valerio, Esq.	4. Telephone Number 617-862-2005
3. Address (street and No., city/town, state, and ZIP code) Valerio Dominello & Hillman, LLC, One University Avenue, Suite 300B Westwood, MA 02090		5. Fax Number
6. Employee Organization (if any): Brookline Educators Union	7. Representative to contact Rich Mullane, Attorney	9. Telephone Number 617-878-8281
8. Address (street and No., city/town, state, and ZIP code) Mass. Teachers Assoc., 2 Heritage Dr., Quincy, MA 02171		10. Fax Number 617-570-4973
11. This charge is filed against (check one) <input checked="" type="checkbox"/> Employer <input type="checkbox"/> Employee Organization		

12. The above named employer or employee organization has engaged or is engaging in a prohibited practice within the meaning of Massachusetts General Law, Chapter 150E, Section(s) (enter all appropriate sections/subsections)

10(a)5 and derivatively 10(a)1

Failing to specify an appropriate section/subsection may result in the dismissal of the charge.

13. Summary of basis of Charge (be specific as to names, dates, addresses, etc.)

From May 25 through August 2018, the employer told the union - in various meetings with many individuals involved - about the possibility of forming Instructional Leadership Teams (a.k.a Collaborative Leadership Teams and ILTs). During these meetings, the union made clear that these discussions did not fulfill the employer's obligation to bargain.

Before the parties finished those discussions, no less formally negotiate, on September 11, 2018, the employer announced the formation of an ILT through an e-mail to employees. On September 13, 2018, Union President Jessica Wender-Shubow, demanded to bargain over all bargainable matters. On September 19, 2018, Superintendent of Schools Andrew Bott refused the demand.

The union's concerns about the ILTs, over which the employer has an obligation to bargain, include, but are not limited, to:

- the rate of pay of both teachers and paraprofessionals invited to participate
- what work will be compensated
- the selection process of ILT members, including how members are recruited and selected
- the frequency and length of meetings
- how decisions in the ILT are made
- the authority of the ILT in making decisions for each school and the district
- how and when ILT members will be discussing the issues with the rest of the staff
- the impact of these discussions on the rest of the staff.

The employer is continuing with the formation and implementation of the ILT's despite the union's request to wait until it has the opportunity to negotiate. With the Superintendent's refusal and the employer's continued implementation, the employer has failed to bargain in good faith over this change in mandatory subjects of bargaining, and therefore is in violation of Section 10(a)5, and derivatively, Section 10(a)1 of M.G.L. Ch. 150E

By these and other acts, the party complained of has interfered with, restrained, and/or coerced rights guaranteed by the Law.

14. (a) Is there a collective bargaining agreement that may apply to the conduct that is alleged to have violated the Law? Yes No

(b) If you checked "Yes" in question 14(a), please list all of the clauses alleged to apply and attach a copy of each.

(c) Is there a grievance concerning this matter pending? Yes No

15. Without limiting your rights to later amend your remedial request, please explain what remedy you seek. Include the amount of any financial remedy to which you claim entitlement.

Order to: return to status quo ante; negotiate in good faith; post violation.

16. Have you attempted to settle this case? Yes No
If not, why not?

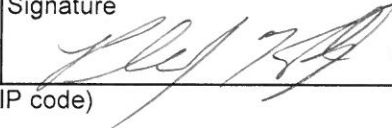
Note: The DLR may decline to issue a complaint unless reasonable settlement efforts have been made by the charging party. 456 CMR 15.04(1).

INFORMATION ON CHARGING PARTY

17. Name Brookline Educators Union	18. Representative to contact Rich Mullane, Attorney	20. Telephone Number 617-878-8281
19. Address (street and No., city/town, state, and ZIP code) MTA, 2 Heritage Drive, Quincy, MA 02171		21. Fax Number 617-248-6921
22. The Charging Party is an: <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Employee Organization <input type="checkbox"/> Employer		


DECLARATION

I have read the above charge of prohibited practice and swear under the pains and penalties of perjury that the information contained in it is true and complete to the best of my knowledge and belief.

Name (print) Philip Katz	Signature 	Title (if any) Field Representative
Address (street and no., city/town, state, and ZIP code) MTA, 2 Heritage Drive, Quincy, MA 02171		Telephone Number 781-380-1410

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Charge of Prohibited Practice on the following representative of the opposing party.

Name Elizabeth Valerio, Esq.	Address (street and no., city/town, state, and ZIP code) Valerio Dominello & Hillman, LLC One University Avenue, Suite 300B Westwood, MA 02090	Telephone Number 617-862-2005
Method of Service <input type="checkbox"/> In hand <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Other (specify): <u>Elizabeth.Valerio@VDHBoston.com</u>		
Signature of Person making Certification 		Telephone Number 781-380-1410