



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 <b>Public Schools of Brookline</b>	2. Representative to contact <b>Elizabeth Valerio, Esq.</b>	4. Telephone Number <b>617-862-2005</b>
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3. Address (street and No., city/town, state, and ZIP code) <b>Valerio Dominello &amp; Hillman, LLC, One University Avenue, Suite 300B Westwood, MA 02090</b>	5. Fax Number
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6. Employee Organization (if any): <b>Brookline Educators Union</b>	7. Representative to contact <b>Ashley Walter, Attorney</b>	9. Telephone Number <b>617-878-8286</b>
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8. Address (street and No., city/town, state, and ZIP code) <b>Mass. Teachers Assoc., 2 Heritage Dr., Quincy, MA 02171</b>	10. Fax Number <b>617-248-6921</b>
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11. This charge is filed against (check one) <input checked="" type="checkbox"/> Employer <input type="checkbox"/> Employee Organization
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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)1, 10(a)2 and 10(a)5**  
*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.)

On December 11, 2018, the Union and the Employer met to begin successor negotiations for their three collective bargaining agreements. This first meeting was to discuss ground rules for the three sets of negotiations. The parties did not come to agreement over the ground rules.

On February 25, 2019, the parties met to begin substantive negotiations for the Paraprofessional Unit. The Union appeared with a negotiation team comprised of 45 members from all bargaining units; 15 of whom were designated speaking representatives and 30 of whom were silent representatives. The Employer refused to bargain with the Union's team as constituted. The Employer informed the Union that it would bargain if the Union altered the composition of its bargaining team to exclude the 30 silent bargaining representatives, not objecting to the presence of members from other bargaining units. The Union maintained its choice to retain its full team, including the silent representatives.

The Employer offered to negotiate with the Union if it reconfigured its team, but again without silent representatives. The Union again chose to retain its original team. The Employer then announced it would leave and be in caucus until the scheduled end of the bargaining session if the Union changed its mind. The Union asked the Employer to confirm its refusal to bargain was due to the composition of the Union's team. The Employer confirmed. The Union verbally expressed its intention to file this unfair labor practice charge. The Employer proceeded to leave the room.

By its conduct, the Employer has violated Sections 10(a)(1), 10(a)(2) and 10(a)(5) of the Law.

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.

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(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 the Employer to negotiate in good faith with the team designated by the Union; posting**

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

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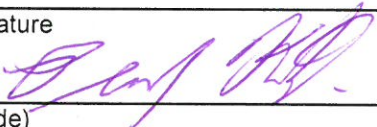
*Note: The DLR may decline to issue a complaint unless reasonable settlement efforts have been made by the charging party. 456 CMR 15.04(1).*

INFORMATION ON CHARGING PARTY

17. Name <b>Brookline Educators Union</b>	18. Representative to contact <b>Ashley Walter, Attorney</b>	20. Telephone Number <b>617-878-8286</b>
19. Address (street and No., city/town, state, and ZIP code) <b>MTA, 2 Heritage Drive, Quincy, MA 02171</b>		21. Fax Number <b>617-248-6921</b>
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) <b>Philip Katz</b>	Signature 	Title (if any) <b>Field Representative</b>
Address (street and no., city/town, state, and ZIP code) <b>MTA, 2 Heritage Drive, Quincy, MA 02171</b>		Telephone Number <b>781-380-1410</b>

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 <b>Elizabeth Valerio, Esq.</b>	Address (street and no., city/town, state, and ZIP code) <b>Valerio Dominello &amp; Hillman, LLC One University Avenue, Suite 300B Westwood, MA 02090</b>	Telephone Number <b>617-862-2005</b>
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 <b>Patricia Baczek, Regional Coordinator</b>		Telephone Number <b>781-380-1410</b>



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1. Employer <b>Public Schools of Brookline</b>	2. Representative to contact <b>Elizabeth Valerio, Esq.</b>	4. Telephone Number <b>617-862-2005</b>
3. Address (street and No., city/town, state, and ZIP code) <b>Valerio Dominello &amp; Hillman, LLC, One University Avenue, Suite 300B Westwood, MA 02090</b>		5. Fax Number
6. Employee Organization (if any): <b>Brookline Educators Union (Unit A)</b>	7. Representative to contact <b>Ashley Walter, Attorney</b>	9. Telephone Number <b>617-878-8286</b>
8. Address (street and No., city/town, state, and ZIP code) <b>Mass. Teachers Assoc., 2 Heritage Dr., Quincy, MA 02171</b>		10. Fax Number <b>617-248-6921</b>

11. This charge is filed against (check one)

Employer  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)1, 10(a)2, and 10(a)5**

*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.)

**On December 11, 2018, the Union and the Employer met to begin successor negotiations for their three collective bargaining agreements. This first meeting was to discuss ground rules for the three sets of negotiations. The parties did not come to agreement over the ground rules.**

**On March 4, 2019, the parties met to begin substantive negotiations for the teachers' bargaining unit, Unit A. The Union appeared with a negotiation team comprised of 50 members from all bargaining units; 15 of whom were designated speaking representatives and 35 of whom were silent representatives. The Employer refused to bargain with the Union's team as constituted. The Employer informed the Union that it would bargain if the Union altered the composition of its bargaining team to exclude the silent bargaining representatives, not objecting to the presence of members from other bargaining units.**

**The Union maintained its choice to retain its full team, including the silent representatives. The Employer announced it would leave and be in caucus until the scheduled end of the bargaining session if the Union changed its mind. The Union told the Employer that that was not necessary since the Union was firm in its decision to maintain its full team. The Employer exited and negotiations ended.**

**By its conduct, the Employer has violated Sections 10(a)(1), 10(a)(2) and 10(a)(5) of the Law.**

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.

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(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 the Employer to negotiate in good faith with the team designated by the Union; posting**

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

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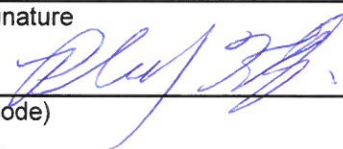
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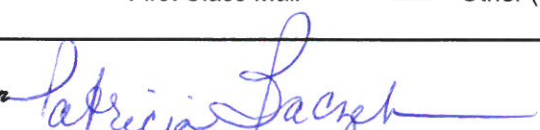
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Name (print) <b>Philip Katz</b>	Signature 	Title (if any) <b>Field Representative</b>
Address (street and no., city/town, state, and ZIP code) <b>MTA, 2 Heritage Drive, Quincy, MA 02171</b>		Telephone Number <b>781-380-1410</b>

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On March 7, 2019, the parties met to begin substantive negotiations for the teachers' bargaining unit, Unit B. The Union appeared with a negotiation team comprised of 50 educators from all bargaining units; 15 of whom were designated speaking representatives and 30 of whom were silent representatives. The Employer refused to bargain with the Union's team as constituted. The Employer informed the Union that it would bargain if the Union altered the composition of its bargaining team to exclude the silent bargaining representatives, not objecting to the presence of members from other bargaining units.

The Union maintained its choice to retain its full team, including the silent representatives. The Employer announced it would leave and be in caucus until the scheduled end of the bargaining session if the Union changed its mind. The Union told the Employer that that was not necessary since the Union was firm in its decision to maintain its full team. The Employer exited and negotiations ended.

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DECLARATION

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Name (print) <b>Eric Shiff, Grievance Chair</b>	Signature <i>Eric Shiff (pm)</i>	Title (if any) <b>Grievance Chair</b>
Address (street and no., city/town, state, and ZIP code) <b>Brookline Educators Union, 115 GgreenoughSt., Brookline, MA 02445-6151</b>		Telephone Number <b>617-277-0251</b>

CERTIFICATE OF SERVICE

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Name <b>Elizabeth Valerio, Esq.</b>	Address (street and no., city/town, state, and ZIP code) <b>Valerio Dominello &amp; Hillman, LLC One University Avenue, Suite 300B Westwood, MA 02090</b>	Telephone Number <b>617-862-2005</b>
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 <i>Patricia Baczek, Regional Coordinator</i>		Telephone Number <b>781-380-1410</b>