



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

PHILIP T. ROBERTS
DIRECTOR

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

CHARLES F. HURLEY BUILDING
19 STANIFORD STREET
1ST FLOOR, BOSTON, MA 02114
PHONE: (617) 626-7132
FAX: (617) 626-7157
efile.dlr@mass.gov
www.mass.gov/dlr

COMMONWEALTH
EMPLOYMENT
RELATIONS BOARD
MARJORIE F. WITTNER
CHAIR
KATHERINE G. LEV
BOARD MEMBER
JOAN ACKERSTEIN
BOARD MEMBER

June 10, 2020

Case No.: MUP-19-7727
Charging Party: Brookline Educators Association
Respondent: Brookline School Committee
Date Filed: 12/04/2019

NOTICE OF COMPLAINT

PROCEDURE FOR SCHEDULING HEARING

Pursuant to G.L. c. 150E, § 11, the Department of Labor Relations (Department or DLR) issues the attached Complaint of Prohibited Practice in the above-referenced case.

You are further notified that, pursuant to Sections 12.11 and 15.06 of the Department's Rules, the Respondent shall file an **Answer** to this Complaint within ten (10) days from the date of service by the Department. The Respondent shall specifically admit, deny or explain each of the facts alleged in the Complaint, unless it is without knowledge, in which case it shall so state, such statement operating as a denial. All factual allegations in the Complaint to which no answer is filed or any factual allegation in the Complaint not specifically denied or explained in an answer filed, shall be deemed to be admitted to be true and may serve as a basis of findings. The Respondent shall serve an additional copy of the Answer on the opposing party or its counsel, if any.

Pursuant to 456 CMR 13.02 the DLR will schedule a Hearing before a Hearing Officer. At the Hearing, all parties to the proceedings will have the right to appear in person or by videoconference, as determined by the DLR, to examine and cross-examine witnesses, to produce evidence and otherwise support or defend this Complaint. The Department will schedule the Hearing in accordance with the following instructions:

HEARING SCHEDULING INSTRUCTIONS

The Department directs the Parties to confer as soon as possible relative to the scheduling of the hearing in accordance with the attached **PROCEDURE FOR SCHEDULING OF THE HEARING**.

Once the parties have conferred and agreed on a date or dates, please indicate same and email the attached form back to the DLR at efile.dlr@mass.gov. **IT IS THE RESPONSIBILITY OF THE CHARGING PARTY TO INITIATE DISCUSSIONS WITH THE RESPONDENT AND TO PROVIDE THE DEPARTMENT WITH THE AGREED-UPON DATES.**

Once scheduled, the Department will assign the case to a Hearing Officer. The Hearing Officer will conduct a Pre-Hearing Conference by telephone or videoconference, as determined by the Hearing Officer, prior to the Hearing and require the filing of a Joint Pre-Hearing Memorandum.

ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

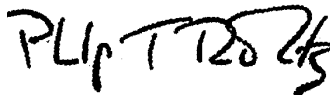
MEDIATION:

Please be advised that the DLR will make a mediator available to the parties if the parties agree to voluntary participation in mediation of issues associated with the above-referenced Complaint. Mediation will not delay the scheduled hearing date.

ARBITRATION:

Pursuant to Chapter 151, Section 577 of the Acts of 1996, parties may submit the case to an impartial arbitrator, subject to the requirements set forth in such statute.

Very truly yours,
DEPARTMENT OF LABOR RELATIONS



Philip T. Roberts
Director

Encl. Complaint of Prohibited Practice

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
19 STANIFORD STREET, 1ST FLOOR
BOSTON, MA 02114

PROCEDURE FOR SCHEDULING OF THE HEARING

Case No.: MUP-19-7727
Charging Party: Brookline Educators Association
Respondent: Brookline School Committee
Date Filed: 12/04/2019

The parties are directed to confer as soon as possible in order to schedule the Hearing in the above-referenced case. **IT IS THE RESPONSIBILITY OF THE CHARGING PARTY TO INITIATE DISCUSSIONS WITH THE RESPONDENT AND TO PROVIDE THE DEPARTMENT WITH THE AGREED-UPON DATES.**

1. Using the attached form, the parties must agree to three (3) dates for the Hearing **within the period specified on the form and must estimate the amount of hearing time necessary for the Hearing.** In addition, the Parties are directed to confer as to whether they are willing to engage the services of a DLR Mediator for possible settlement. Utilization of a mediator will not delay the commencement of the Hearing.
2. Once the parties have agreed upon three (3) dates for the Hearing or mediation, the Charging Party shall, **within thirty (30) days of the issuance of this notice**, email a completed copy of the attached form to the DLR at efile.dlr@mass.gov.
3. **If the Parties are unable to agree on a date to schedule the Hearing, then the Department will schedule the Hearing and notify the parties of same.**
4. **If the Charging Party fails to submit dates or submit a written statement explaining why they have been unable to submit mutually agreed upon dates, the charge will be dismissed.**
5. Based upon the availability of Hearing Rooms and/or Hearing Officers, the DLR will then issue a formal Notice of Hearing. **Once the parties have agreed on a date, the DLR will not grant postponements of the Hearing without good cause and written mutual consent of all parties in conformance with 456 CMR 12.06.**

6. All Hearings will be held by videoconference or, as determined by the DLR, in the DLR's offices located at 19 Staniford Street, 1st Floor, Charles F. Hurley Building, Boston, MA.
7. All mediations will take place by telephone or videoconference or at a location that is mutually agreeable to the parties.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
19 STANIFORD STREET, 1ST FLOOR
BOSTON, MA 02114

POST-COMPLAINT HEARING/MEDIATION SCHEDULING FORM

PLEASE EMAIL COMPLETED FORM TO EFILE.DLR@MASS.GOV

Case No.: MUP-19-7727
Charging Party: Brookline Educators Association
Respondent: Brookline School Committee
Date Filed: 12/04/2019

HEARING

The Parties agree that _____ days are required for the Hearing.

The parties agree that the following three dates between **JANUARY 1, 2021**
THROUGH MARCH 31, 2021 are acceptable for scheduling the expedited
hearing:

Date: _____

Date: _____

Date: _____

MEDIATION

- Please check this box if **ALL** parties in the above-referenced matter have conferred and agree to engage in mediation. If the parties agree to mediation, they must mediate prior to THE HEARING.

The parties in the above-referenced matter have conferred and agree that the following date(s) are acceptable for the scheduling of mediation session(s):

Date: _____

Time: _____

Date: _____

Time: _____

Date: _____

Time: _____