



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
MA 2018311	11-15-20

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>Newton School Committee</b>	2. Representative to contact <b>Jill M. Grady, General Counsel</b>	4. Telephone Number <b>617-559-6000</b>
3. Address (street and No., city/town, state, and ZIP code) <b>Newton Public Schools, 100 Walnut St., Newton, MA 02460</b>		5. Fax Number
6. Employee Organization (if any): <b>Newton Teachers Association</b>	7. Representative to contact <b>Ashley Walter, Staff Counsel</b>	9. Telephone Number <b>617-878-8286</b>
8. Address (street and No., city/town, state, and ZIP code) <b>c/o MTA, 2 Heritage Drive, 8th Floor, Quincy, MA 02171</b>		10. Fax Number <b>617-570-4973</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)(5), 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.)

The parties have been attending weekly bargaining sessions, since the first week of July, on a Memorandum of Agreement regarding COVID-related changes to employee working conditions ("MOA").

On October 13, the Newton Teachers Association and the Newton School Committee reached a Tentative Agreement ("TA") on the MOA. The parties agreed that the TA was subject to ratification of both parties.

The NTA bargaining team consisted of President Michael Zilles; Treasurer Christine Walsh; Negotiations Chair Jamie Rinaldi; Elizabeth Simpson; and Elizabeth Ross.

The School Committee's bargaining team consisted of School Committee Chair Ruth Goldman; School Committee member Bridget Ray-Canada; and School Committee member Kathie Shields.

The NTA ratified the Tentative Agreement on November 3, 2020.

On November 5, the nine-member Newton School Committee voted not to ratify the TA by a vote of seven against ratification, zero in favor, and two abstentions. All members of the School Committee's bargaining team voted against the agreement they negotiated.

Just prior to conducting the vote, Member Shields actively spoke against ratification, advising the Committee to "...vote against the agreement and to return us to the bargaining table to see if we can come up with something better."

By the conduct alleged, the Employer's negotiating subcommittee failed to support its own proposals before the School Committee and violated 10(a)(5) and derivatively 10(a)(1) 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.

Cease and desist; bargain in good faith; recommend for ratification a tentative agreement with the NTA.

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>Newton Teachers Association</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>c/o MTA, 2 Heritage Drive, 9th Floor, Quincy, MA 02171</b>		21. Fax Number
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>Jason Leto</b>	Signature 	Title (if any) <b>Field Representative</b>
Address (street and no., city/town, state, and ZIP code) <b>MTA, 2 Heritage Drive, 8th Floor, 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>Jill M. Grady, General Counsel</b>	Address (street and no., city/town, state, and ZIP code) <b>Newton Public Schools, 100 Walnut St., Newton, MA 02460</b>	Telephone Number <b>617-559-6000</b>
Method of Service <input type="checkbox"/> In hand <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Other (specify): <u>gradyj@newton.k12.ma.us</u>		
Signature of Person making Certification 		Telephone Number <b>617-559-6000</b>

## Demarco, Shirley (DLR)

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**From:** Leto, Jason <JLeto@massteacher.org>  
**Sent:** Sunday, November 15, 2020 10:06 AM  
**To:** Efile DLR (EOL); Michael Zilles; Christine Walsh; Jill Grady  
**Cc:** Walter, Ashley; Ruth Goldman; Baczek, Patricia  
**Subject:** Charge of Prohibited Practice - Newton Teachers Assn and Newton Public Schools - 11-15-2020  
**Attachments:** Newton TA Charge of Prohibited Practice.pdf

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please find attached a filing for a charge of prohibited practice submitted on behalf of the Newton Teachers Association.

Please feel free to contact Attorney Ashley Walter, MTA Staff Counsel, with any questions, at 617-878-8286

Jason Leto  
Field Representative  
Massachusetts Teachers Association  
2 Heritage Dr, 8<sup>th</sup> Floor, Quincy MA 02171  
office: 781-380-1410 / fax: 781-303-5521