
BROCKTON SCHOOL COMMITTEE V. BROCKTON PUBLIC SCHOOL SECRETARIES ASSOCIATION, AND
LOCAL 925, SEIU, ET AL., SI-197 (3/27/87).

107. Picketing
108. Strikes
108.22 sick out

Commissioners Participating:

Paul T. Edgar, Chairman
Maria C. Walsh, Commissioner
Elizabeth K. Boyer, Commissioner

Appearances:

Edward F. Lenox, Jr.	- Representing the Brockton School Committee
Dorine Levasseur	- Representing the Brockton Public School Secretaries Association, Service Employees International Union, Local 925, AFL-CIO

INTERIM ORDER

On March 26, 1987 the Labor Relations Commission (Commission) received a petition filed under Section 9A(b) of G.L. c.150E (the Law) by the Brockton School Committee (Committee). The Committee alleged that the Brockton Public School Secretaries Association, Service Employees International Union, Local 925, AFL-CIO (Association) and its members had engaged in a strike on March 26, 1987 and that the strike had been induced, condoned and encouraged by the Association. The petition further alleged that the activities of the Association and its members were in violation of G.L. c.150E, Section 9A.

On March 27, 1987 beginning at approximately 9:30 a.m., an investigation was conducted by an agent of the Commission. On the basis of that investigation, we hereby make the following findings of fact:

1. The Brockton School Committee is a public employer within the meaning of G.L. c.150E, Section 1.
2. The Brockton Public School Secretaries Association, affiliated with S.E.I.U., Local 925, AFL-CIO is an employee organization within the meaning of G.L. c.150E, Section 1.
3. The Association is the exclusive bargaining representative for approximately 80 clerks, secretaries and data processing employees in the Brockton schools, most of whom are members of the Association.
4. The School Committee and the Association were parties to a collective



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bargaining agreement that expired on June 30, 1986.

5. On or about December 10, 1985, the School Committee and the Association commenced bargaining over a successor agreement.
6. The Association bargaining team consisted of MARIE GALLIGAN, steward, EUGENIA HORTON, DOROTHY KELLY, BARBARA SOUZA and ROLAND VAN DYKE. The bargaining team also included DORINE LEVASSEUR, president and field representative for SEIU, Local 925. In addition, the Association has two additional stewards: ROSE DOOLEY and ANNE SWEENEY and a Secretary-Treasurer, WANDA ALVES.
7. The Committee's bargaining team consisted of EDWARD LENOX, JR., counsel, ANTHONY LUIZZI, Administrative Assistant for Personnel and SCOTT McDUFFY, a member of the School Committee.
8. After approximately nine bargaining sessions, the parties jointly filed for mediation with the Board of Conciliation and Arbitration on or about December 9, 1986.
9. Bargaining continued under the auspices of a duly appointed mediator on January 2, 28, March 6 and 24, 1987. No settlement was reached.
10. On or about March 9, 1987, approximately 4-6 bargaining unit members including, on occasion, members of the bargaining team began picketing during their lunch hours outside the School Department Central Administrative Offices at 43 Crescent Street, Brockton, carrying signs urging wage parity with secretaries employed by the City of Brockton. This picketing has occurred on most of the work days since March 9, 1987.
11. The hours of work for Association clerical and secretarial employees are 8:00 a.m. - 4:30 p.m., at the administration offices and the elementary schools, 7:30 a.m. - 4:00 p.m. at the Junior and Senior High Schools, and three rotating shifts for the data processing employees.
12. Beginning at approximately 7:30 a.m. on both Thursday, March 26, 1987 and on Friday, March 27, 1987, over 60 unit members began gathering outside the Central Administration offices. By 8:00 a.m. these employees began picketing. On March 26, 1987 the picketing continued until at least 2:30 p.m. Some picketers carried signs stating "seeking justice" and "parity."
13. The following Association stewards, officers and members of the bargaining team participated in the picketing: MARIE GALLIGAN, EUGENIA HORTON, DOROTHY KEELY, BARBARA SOUZA, WANDA ALVES, ROSE DOOLEY, ANNE SWEENEY and DORINE LEVASSEUR.
14. During the morning of March 26, 1987, a group of the picketers entered the Administration offices. A smaller group led by Eugenia Horton entered



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the office of Manthala George, Superintendent of Schools and presented him with a document which stated:

TO MAYOR PITARO, SUPERINTENDENT GEORGE, AND MEMBERS OF THE SCHOOL
COMMITTEE . . .

"We, the secretaries, clerical and data processing employees of the Brockton School Department are on strike for two days, March 26 and March 27, in protest against your refusal to address our concern over the tremendous disparity between our salaries and those of like employees of the City. We fail to understand your position and must express to your our disappointment and anger at the lack of recognition and justice demonstrated to us in these negotiations. Morale continues to drop as you continue to refuse to make a meaningful step toward parity. We urge you to immediately alter your position, to meet with our negotiating team, and to show good faith in fulfilling a commitment made to us some years ago that this issue would be addressed."

The document was signed by a majority of bargaining unit members including all of the Association stewards, officers and bargaining team.

16. A total of 68 members of the Association were absent on March 26, 1987 without permission. One member was on vacation, three were on excused sick leave, and three reported to work. In addition, the five data processing employees reported to work, including Roland Van Dyke, a member of the Association bargaining team. All other officers, stewards and members of the Association bargaining team were absent without permission.
16. On Friday, March 27, 1987, the attendance record was the same as described in paragraph 15, above, with the exception of Roland Van Dyke who called in sick.
17. The next mediation session is scheduled for April 2, 1987.

DISCUSSION

It is apparent from the facts recited above that the clerical and secretarial employees represented by the Association were engaged in a strike on Thursday, March 26, 1987 and Friday, March 27, 1987. Approximately 80 bargaining unit members represented by the Association were scheduled to begin work on March 26 and 27, 1987 between 7:30 and 8:00 a.m. All but 12 or 13 members of the bargaining unit were absent without permission from their scheduled duties on those dates. Over sixty unit members were observed picketing outside the Brockton School Administration building after the start of the work day on March 26 and 27, 1987, including Marie Galligan, Eugenia Horton, Dorothy Kelly, Barbara Souza, Wanda Alves, Rose Dooley and Anne Sweeney. Some were observed carrying signs reading "seeking justice" and "parity."



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This concerted withholding of services occurred in the context of an ongoing collective bargaining dispute between the School Committee and the Association over a successor collective bargaining agreement. In addition, the petition signed by a majority of bargaining unit members which was presented to the Superintendent of Schools on March 26, 1987 contains an admission that Association members are on strike. Under these circumstances, there is no doubt that Association members were concertedly withholding services in violation of G.L. c.150E, Section 9A(a). See Town of Abington, 12 MLC 1084 (1985) and Northeast Metropolitan Regional Vocational High School, 13 MLC 1213 (1986).

We also conclude from the evidence presented that the strike was induced, encouraged and condoned by the Association. All but one of the Association officials were absent from work on March 26 and 27, 1987 without permission. In addition, seven of the eight Association officers, stewards and bargaining team members¹ were observed on the picket line. All signed the petition which Eugenia Horton, a member of the bargaining team, presented to the Superintendent on March 26, 1987. The Association presented no evidence in rebuttal or to show that any of its officials had taken any affirmative steps to encourage members of the bargaining unit to refrain from engaging in the illegal withholding of services. Cf. City of Brockton, 10 MLC 1479 (1984), and City of Lawrence, 11 MLC 1284 (1984). Indeed, the record indicates that Association officials openly participated in and induced, encouraged and condoned the illegal withholding of services on March 26 and 27, 1987 in violation of G.L. c.150E, Section 9A(a).

In addition, we conclude that the strike was induced, encouraged and condoned by S.E.I.U., Local 925, AFL-CIO. Dorine Levasseur is President of Local 925, S.E.I.U. and a field representative for the same organization. She is also a member of the Association bargaining team. On March 26, 1986 she was observed participating in the picketing. No evidence was presented by Local 925, S.E.I.U. that Levasseur took any affirmative steps to encourage members of the bargaining unit to refrain from engaging in the illegal withholding of services or to return to their assigned duties. Such conduct by an agent of Local 925, S.E.I.U. is evidence that Local 925, S.E.I.U. induced, encouraged and condoned the illegal withholding of services on March 26, 1987 and March 27, 1987, in violation of G.L. c.150E, Section 9A(a).

WHEREFORE, on the basis of the facts set forth above, we conclude that certain employees represented by the Brockton Public School Secretaries Association, including Marie Galligan, Eugenia Horton, Dorothy Kelly, Barbara Souza, Wanda Alves, Rose Dooley and Anne Sweeney engaged in the strike, work stoppage, slowdown or withholding of services in violation of Section 9A(a) of G.L. c.150E. We further find that the Brockton Public School Secretaries Association, by the conduct of its officers and

¹ Association bargaining team member Roland Van Dyke reported to work on March 26, 1987. On March 27, 1987 he called in sick. At the time of the hearing it was not known if this was an excused absence.



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bargaining team members, including Marie Galligan, Eugenia Horton, Dorothy Kelly, Barbara Souza, Wanda Alves, Rose Dooley and Anne Sweeney in their representative capacities, has induced, encouraged and condoned the unlawful withholding of services. In addition, we find that Local 925, S.E.I.U., AFL-CIO, by the conduct of its President, Dorine Levasseur, has induced, encouraged and condoned the unlawful withholding of services.

Accordingly, by virtue of the power vested in the Commission by G.L. c.150E, Section (A)(b), we hereby order that:

1. All employees represented by the Brockton Public School Secretaries Association, including Marie Galligan, Eugenia Horton, Dorothy Kelly, Barbara Souza, Wanda Alves and Anne Sweeney, shall immediately cease and desist from engaging in any strike, work stoppage, slowdown or other withholding of services.
2. The Brockton Public School Secretaries Association and its officers, stewards and bargaining team members, including Dorine Levasseur, Marie Galligan, Eugenia Horton, Dorothy Kelly, Barbara Souza, Wanda Alves and Anne Sweeney, shall immediately cease and desist from inducing, encouraging or condoning any strike, work stoppage, slowdown or other withholding of services.
3. Local 925, S.E.I.U., AFL-CIO, and its President, Dorine Levasseur, shall immediately cease and desist from inducing, encouraging or condoning any strike, work stoppage, slowdown or other withholding of services.
4. The Brockton School Secretaries Association, including its officers, stewards and bargaining team members, shall take necessary action before the start of the next regularly scheduled school day following their receipt of this Interim Order to inform the employees of the bargaining unit of the provisions of Section 9A(a) of the Law and of the contents of this Interim Order.
5. Local 925, S.E.I.U., AFL-CIO, including its President, Dorine Levasseur, shall take necessary action before the start of the next regularly scheduled school day following receipt of this Interim Order to inform the employees of the bargaining unit represented by the Association of the provisions of Section 9A(a) of the Law and of the contents of this Interim Order.
6. The bargaining representatives of the Brockton School Secretaries Association and of the School Committee shall meet for further negotiations, including mediation, as may be directed by the Board of Conciliation and Arbitration.
7. The Brockton School Secretaries Association, Local 925, S.E.I.U., AFL-CIO, and the School Committee shall notify the Commission at 10:00 a.m.



MASSACHUSETTS LABOR CASES

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on Monday, March 30, 1987 of the steps taken to comply with this Interim Order.

8. The Commission shall retain jurisdiction of this matter to set such further requirements as may be appropriate.

SO ORDERED.

COMMONWEALTH OF MASSACHUSETTS
LABOR RELATIONS COMMISSION

PAUL T. EDGAR, CHAIRMAN

MARIA C. WALSH, COMMISSIONER

ELIZABETH K. BOYER, COMMISSIONER

