

MASSACHUSETTS LABOR CASES

CITE AS 14 MLC 1198

SEEKONK SCHOOL COMMITTEE AND SEEKONK EDUCATORS ASSOCIATION, SI-204 (9/15/87).
INTERIM ORDER.

108. Strikes
108.4 setting requirements under Chapter 150E, Section 9

Commissioners Participating:

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

Appearances By:

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| John F. Lucey, Esq. | - Representing the Seekonk School Committee |
| Sandra C. Quinn, Esq. | - Representing the Seekonk Educators Association |

INTERIM ORDER

On September 14, 1987, the Seekonk School Committee (School Committee) filed a petition with the Labor Relations Commission (Commission) pursuant to Section 9A (b) of G.L. c.150E (the Law). The School Committee alleged that the Seekonk Teachers Association (Association) and its members had engaged in a strike on September 11, 1987.

The Commission scheduled an investigation to commence at 9:00 a.m. on September 15, 1987 and issued a Notice of Investigation. The School Committee undertook to serve the Notice of Investigation upon the parties.

On September 15, 1987, an investigation of the School Committee's allegations was conducted by the Commission. On the basis of that investigation, we hereby make the following findings of fact.

FACTS

The Association represents a bargaining unit of 145 teachers employed by the School Committee. The most recent collective bargaining agreement between the School Committee and the Association expired on August 31, 1987. The parties began bargaining for a successor agreement in January 1987.

September 8, 1987 was teacher orientation day. Joyce Christiansen, the President of the Association, asked Superintendent of Schools Charles Micciche if there could be a one hour delay so that the teachers could have a meeting. He granted her request. When the teachers arrived for the orientation meeting, Mary Coyle, a Vice President of the Association, spoke to the gathering. She told the teachers that the Association had rejected the School Committee's last offer and had voted to strike on September 11, 1987.



Teachers did attend the scheduled orientation on September 8, and also attended school on September 9 and 10.

There are five schools in Seekonk. On September 11, 1987, school was scheduled to begin at 8:45 a.m. No teachers reported to work and no teachers had an excused absence. At approximately 10:25 a.m., Christiansen visited the Superintendent at his office and informed him that the teachers would not be coming to work that day.

On September 11 at approximately 10:45 a.m., the Superintendent observed picketing at the Martin Elementary School and the Seekonk High School. He specifically observed Mary Coyle and Kathy Rockford, both Vice Presidents of the Association carrying picket signs.

On September 12 Christiansen, the President of the Association, sent a telegram to the School Committee which stated:

THE SEEKONK EDUCATORS ASSOCIATION IS VERY WILLING TO MEET WITH THE SEEKONK SCHOOL COMMITTEE SUNDAY EVENING SEPTEMBER 13 AT 6:00 P.M. OR AT ANY OTHER DESIGNATED HOUR. WE ARE HOPEFUL THAT SUCH A MEETING CAN PRODUCE A RESOLUTION OF THE OUTSTANDING ISSUES AND IF THAT OCCURS THEN IN FACT THERE WILL ONLY HAVE BEEN A ONE DAY WORK STOP-PAGE.

On September 14 schools were open for staff, but not for children. No teachers reported to school and no teachers had excused absences. In addition, the Superintendent observed picketing at all schools, and again observed Coyle and Rockford picketing during school hours.

On September 14, at approximately 1:00 p.m., the Superintendent received a leaflet entitled "Why Members of the Seekonk Educators Association are on Strike." In essence, the leaflet contained the bargaining history of the parties, a chart of comparative teacher salaries in surrounding communities, and a plea to call members of the School Committee to urge them to settle the contract. The initials of SEA/MTA/NEA appear at the bottom of the leaflet.

On September 15, schools were open for teachers and other staff, but not for children. No teachers reported to school and no teachers had excused absences.

DISCUSSION

Based upon the facts above, we conclude that the teachers represented by the Association engaged in a strike on September 11, 14, and 15, 1987.

The Commission can infer the existence of a strike from, *inter alia*, the absence of 100% of the teachers regularly scheduled to report for classes without excuse or authorization in the context of a dispute over the terms of a successor collective bargaining agreement. Tewksbury School Committee, 12 MLC 1353, 1359 (1985). Moreover, there is unrebutted evidence that Mary Coyle, an officer of the Association,



announced on September 8 that a strike would begin on September 11. In addition, the Association President spoke to the Superintendent on September 11 and informed him that the teachers would not be reporting for work. Furthermore, on September 14, an Association leaflet explaining why the teachers were on strike was received by the Superintendent.

We further note that of the 145 teachers who did not report to work, this number included all of the officers of the Association, whose absence had not been excused. In addition, two Association officers, Cyole and Rockford, were observed on the picket line. Taken together, we find these facts sufficient to conclude that the Association induced, encouraged, and condoned the strike in violation of the Law.

WHEREFORE, on the basis of the facts set forth above, we conclude that the Seekonk Educators Association, and the employees whom it represents, have engaged in a strike, work stoppage, slowdown or withholding of services in violation of Section 9A(a) of G.L. c.150E. We further find that the Seekonk Educators Association has induced, encouraged and condoned the strike.

Accordingly, by virtue of the power vested in the Commission by Section 9A(b) of the Law, we hereby issue the following ORDER:

1. The Seekonk Educators Association and the employees whom it represents shall immediately cease and desist from engaging in any strike, work stoppage, slowdown, or other withholding of services.
2. The Seekonk Educators Association, its officers, agents and members, shall immediately cease and desist from encouraging, condoning or inducing any strike, work stoppage, slowdown or other withholding of services. The Seekonk Educators Association shall not permit its officers or agents to encourage, condone or induce any strike, work stoppage, slowdown, or other withholding of services.
3. The Seekonk Educators Association shall take necessary action before the start of the next regularly scheduled school day to inform its members of the provisions of Section 9A(a) of the Law and the contents of this Interim Order.
4. The School Committee and the Seekonk Educators Association shall continue to bargain in good faith and further, shall continue to participate in mediation as may be directed by the Board of Conciliation and Arbitration.
5. The Seekonk Teachers Association and the School Committee shall notify the Commission at 9:30 a.m. on September 16, 1987, of the steps taken to comply with this Interim Order.
6. The Commission retains 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