

## MASSACHUSETTS LABOR CASES

CITE AS 14 MLC 1410

SHARON SCHOOL COMMITTEE AND SHARON EDUCATION ASSOCIATION, SI-213 (1/5/88).  
INTERIM ORDER.

- 107. Picketing
- 108. Strikes
- 108.22 sick-out
- 108.4 Setting requirements under Chapter 150E, Section 9

### Commissioners participating:

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

### Appearances:

- |                     |   |
|---------------------|---|
| Lisa Birkdale, Esq. | - Representing the Sharon School Committee      |
| Sarah Gibson, Esq.  | - Representing the Sharon Education Association |

### INTERIM ORDER

On January 4, 1988, the Sharon School Committee (Committee) filed a petition with the Labor Relations Commission (Commission) pursuant to Section 9A(b) of G.L. c.150E (the Law). The Committee alleged that the Sharon Education Association (Association) had taken a strike vote and its members were about to engage in a strike beginning on January 5, 1988.

The Commission scheduled an investigation to commence at 1:00 p.m. on January 5, 1988. Both parties appeared and the investigation took place as scheduled. None of the material facts are in dispute. On the basis of the investigation, we hereby make the following findings of fact.

### FACTS

The Association represents a bargaining unit of approximately 201 teachers, guidance counselors, psychologists and school nurses employed by the School Committee. The most recent collective bargaining agreement between the parties expired on August 31, 1987, and the parties have been negotiating a successor collective bargaining agreement for approximately fifteen months. The parties are currently in mediation under the auspices of the Board of Conciliation and Arbitration, pursuant to G.L. c.150E, Section 9.

On January 4, 1988, at 1:00 p.m., representatives of the Association met with members of the bargaining unit. After that meeting, Alan Howie, chief negotiator for the Association, and Judy Brown, treasurer and negotiator for the Association, approached school superintendent Maloney and associate superintendent Thomas Lagrasa and informed them that members of the Association had voted to withhold their services as of January 5, 1988.



On January 5, 1988, approximately 195 of the 201 members of the bargaining unit, including Association officers and members of the Association bargaining team, failed to report for work and were not absent for excused absences. Numerous bargaining unit members, including three members of the Association's negotiating team, one of whom is also treasurer for the Association, were observed picketing during regular school hours outside their regularly-assigned school buildings in the morning of January 5, 1988. A few of the unit members carried signs that read, "Save our Schools," and "Education Costs." A mediation session is scheduled on the evening of January 6, 1988.

#### DISCUSSION

Based on the facts above, we conclude that the members of the bargaining unit represented by the Association engaged in a strike on January 5, 1988. The Commission can infer the existence of a strike from, *inter alia*, the absence of nearly 100% of the teachers regularly scheduled to report for class in the context of a dispute between the parties over a successor collective bargaining agreement. Tewksbury School Committee, 12 MLC 1353, 1359 (1985).

The evidence establishes that the parties have been negotiating for a successor collective bargaining agreement for fifteen months. The Association conducted a membership meeting on January 4, 1988, and members of the Association's bargaining team approached the school superintendent and informed him that the membership had voted to strike. On January 5, 1988, 97% of the unit members were absent from work without an excuse. In addition, numerous employees were observed picketing during regularly scheduled work hours. None of the Association officers reported to work on January 5, 1988, and three were observed picketing outside their assigned schools during scheduled work hours. We find these facts sufficient to conclude that employees represented by the Sharon Education Association are engaging in a strike, work stoppage or other withholding of services and the Association induced, encouraged and condoned the strike in violation of the Law.

#### CONCLUSION

WHEREFORE, on the basis of the facts set forth above, we conclude that the Sharon Education 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 Sharon Education Association through its officers has induced, encouraged and condoned the strike.

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

1. The School Committee shall serve a copy of this Interim Order upon appropriate representatives of the Sharon Education Association.
2. The Sharon Education 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.



3. The Sharon Education 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 Sharon Education Association shall direct its officers or agents not to encourage, condone or induce any strike, work stoppage, slowdown or other withholding of services.
4. The Sharon Education Association and its officers shall take necessary action before the start of the next regularly scheduled school day following receipt of service of this Interim Order to inform bargaining unit members employed by the School Committee of the provisions of Section 9A(a) of the Law and of the contents of this Interim Order.
5. The School Committee and the Sharon Education 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.
6. The Sharon Education Association and the School Committee shall notify the Commission at 9:30 a.m. on January 6, 1988, of the steps taken to comply with this Interim Order.
7. The Commission shall retain jurisdiction of this matter to set 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

