

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT
RELATIONS BOARD
Plaintiff

and

NEWTON SCHOOL COMMITTEE
Plaintiff-Intervenor

v.

NEWTON TEACHERS ASSOCIATION and
MICHAEL ZILLES, in his official capacity
Defendants.

RECEIVED

2/1/2024

CIVIL ACTION NO. 2481CV00148

COMMONWEALTH EMPLOYMENT RELATIONS BOARD'S
MOTION FOR FURTHER RELIEF

This dispute has now claimed a tenth day of school for Newton's students and families, and it is past time for the parties to reach an agreement that will reopen Newton's schools. The Commonwealth Employment Relations Board ("Board") has previously sought, and the Court has ordered, daily coercive fines for each day the strike continues, which under the Court's orders now amount to over \$500,000. But as the lack of agreement to date makes clear, further steps are necessary to ensure the parties reach agreement without further delay. The Board respectfully requests that the Court order twice-daily status conferences, in which both the Board and the Commonwealth's Secretary of Education will participate and, if an agreement is not reached by tomorrow, Friday February 2, 2024 at 5:00 pm, that the Court exercise its powers in equity to order the parties to begin binding arbitration.

Since the Court's January 19 preliminary injunction ordered defendant Newton Teachers Association ("NTA") to cease and desist from strike activity, the Court has ordered escalating contempt fines on January 22, and further daily fines of \$50,000 starting on January 26. Those fines now amount to \$575,000 but have not resulted in a cessation of strike activities. Negotiations have continued between the NTA and the Newton School Committee, but those negotiations have not resulted in an agreement to reopen Newton's schools.

Accordingly, this Court's further intervention is required to expedite progress towards an agreement. The Board respectfully requests twice daily status conferences starting tomorrow February 2, 2024, for each day that the strike continues. The Board requests that the Commonwealth's Secretary of Education, Patrick Tutwiler, be allowed to participate in those hearings to speak to the educational harms faced by Newton students each day that Newton's schools are closed.

Further, if an agreement is not reached by tomorrow at 5:00 pm, the Board respectfully requests that the Court order binding arbitration. By that time, 14 days will have elapsed since the Court ordered the NTA to end the strike, 11 days will have passed since the Court held the NTA in contempt, and 7 days will have elapsed since the Court further directed the parties to work toward an agreement. In these circumstances, the Court has equitable power to order further remedies to secure compliance with the Court's orders, including by ordering binding arbitration. Accordingly, the Board respectfully requests that if an agreement is not reached by tomorrow at 5:00 pm, the Court exercise its powers in equity to order the NTA and the School Committee to submit to binding arbitration the remaining areas of dispute.

Dated: February 1, 2024

COMMONWEALTH EMPLOYMENT
RELATIONS BOARD

By its attorney,

/s/Lan T. Kantany

Lan T. Kantany, Esq., BBO #688387
Chief Counsel
Department of Labor Relations
2 Avenue De Lafayette
Boston, Massachusetts 02111
Tel: (617) 626-7842
Lan.Kantany@mass.gov

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above document on counsel for the School Committee Jennifer King (Jennifer.King@VDHBoston.com) and the Defendants, Laurie Houle (lhoule@massteacher.org) and Richard Mullane (rmullane@massteacher.org), in the above-captioned matter on February 1, 2024 by e-mail.

/s/ Lan T. Kantany

Lan T. Kantany, Esq.