



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
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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 Board of Higher Education/Department of Higher Ed	2. Representative to contact Jim Cox	4. Telephone Number 617.330.7089
3. Address (street and No., city/town, state, and ZIP code) 53 State Street, Boston, MA 02109		5. Fax Number
6. Employee Organization (if any): Massachusetts State College Association	7. Representative to contact Roberta James Matthew D. Jones	9. Telephone Number 617.878.8204 878-8283
8. Address (street and No., city/town, state, and ZIP code) 2 Heritage Drive, 8th Floor, Quincy, MA 02171		10. Fax Number

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)

150E Sec 10(a)(1) and 10(a)(5)

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.)

Chapter 150E Section 7 (c) states, "Every such employer shall submit to the governor, within thirty days after the date on which a collective bargaining agreement is executed by the parties, a request for an appropriation necessary to fund such incremental cost items contained therein as are required to be funded in the then current fiscal year, provided, however, that if such agreement first has effect in a subsequent fiscal year, such request shall be submitted pursuant to the provisions of this paragraph."

The Massachusetts State College Association (MSCA) and the Employer bargained for a successor agreement to succeed a collective bargaining agreement for the Day unit that expired June 30, 2017. After over a year of bargaining for a new collective bargaining agreement, on June 20, 2018 the MSCA President Christopher J. O'Donnell signed the Tentative Agreement between the parties, following ratification by the MSCA. In final execution of the agreement, Carlos Santiago, Commissioner, Department of Higher Education (DHE) and Michael Murray, Director of Employee & Labor Relations, DHE, signed the Tentative Agreement on July 16, 2018.

The Department of Higher Education is required by statute to submit the agreement to the governor within thirty days, by August 16, 2018.

On several occasions the MSCA has requested updates and information regarding the submission of the tentative agreement to the governor's office. To date, the DHE has not submitted the agreement and has not notified the MSCA of any rationale for its failure. Therefore, the DHE has bargained in bad faith in violation of 150E Sec 10(a)(1) and 10(a)(5).

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.

(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.

16. Have you attempted to settle this case? If not, why not? Yes No

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 Massachusetts State College Association	18. Representative to contact Roberta James Matthew D. Jones	20. Telephone Number 617.878.8204 878-8283
19. Address (street and No., city/town, state, and ZIP code) 2 Heritage Drive, 8th Floor, Quincy, MA 02171		21. Fax Number (617) 570-4976
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) Roberta James	Signature <i>Roberta James</i>	Title (if any) Field Representative
Address (street and no., city/town, state, and ZIP code) 2 Heritage Drive, 8th Floor, Quincy, MA 02171		Telephone Number 617-878-8204

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 Jim Cox	Address (street and no., city/town, state, and ZIP code) 53 State Street, Boston, MA 02109	Telephone Number 617.330.7089
Method of Service <input type="checkbox"/> In hand <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Other (specify): email		
Signature of Person making Certification <i>Matthew D. Jones</i>		Telephone Number (617) 878-8283