

February 2, 2024

The Honorable Christopher K. Barry-Smith
Middlesex Superior Court
200 Tradecenter Drive
Woburn, MA 01801

VIA ELECTRONIC SUBMISSION

Re: Docket Number 2481CV00148 – Commonwealth Employment Relations Board vs.
Newton Teachers Association et al

Dear Judge Barry-Smith:

The Massachusetts Municipal Association (MMA), the Massachusetts Association of School Committees (MASC), Massachusetts Association of School Superintendents (MASS), and the Massachusetts Municipal Lawyers Association (MMLA) join together to respectfully request this Honorable Court to reject the motion for Further Relief by the Commonwealth's Employment Relations Board (CERB), received by the Court on February 1, 2024.

Our organizations share the concern of all residents across the Commonwealth that the Newton Teachers Association (NTA) illegal strike must end, and that Newton students deserve to be in the classroom. We appreciate the careful attention you have provided to not insert the Court into what is explicitly a collective bargaining issue under state law. In that light, we strongly urge you to reject CERB's motion, and continue to support the clear scope of the decision before you – enforcing the law.

We would like to underline our concerns with the following:

- Under current Massachusetts law, binding arbitration is limited to *only* where it is statutorily required or where there's voluntary agreement by the parties. In this case, there is neither.
- The remedy is clearly set forth under Massachusetts law (M.G.L. Ch. 150E, Sec. 9). No equitable remedy should be substituted for the Legislature's intent, where the statute considers arbitration *only* when mutually agreed to by the parties.
- Binding arbitration is a system that was explicitly *eliminated* by the citizens of Massachusetts as part of Proposition 2½ in 1980.
- Binding arbitration represents a fundamental violation of home rule authority and local decision-making. It cedes basic budgetary decisions to an unelected and unaccountable third party.
- The decision-making process that creates municipal budgets is a fair and equitable one with checks and balances that are an essential feature of the American political system.

- Allowing this motion from CERB and imposing mandatory arbitration would be the Court creating new law and usurping the authority of the Massachusetts legislature. This would cause detrimental and unaffordable impacts not just in Newton, but in all 351 cities and towns across the Commonwealth.
- Allowing this motion would also not solve the underlying challenge before you: to enforce the law as it currently exists, which clearly and unambiguously prohibits teacher strikes. In fact, it would reward the Newton Teachers Association for blatantly violating your order and continuing the strike.

For all of these reasons, we unequivocally urge this Honorable Court to reject the motion from CERB and continue to work within your discretion to urge compliance with the law. The NTA must end its illegal strike before it does more harm to Newton students and the entire community. Thank you for your dedication to this underlying issue, and for your consideration of our strong opposition to the motion from CERB.

Sincerely,

Massachusetts Municipal Association (MMA)

Massachusetts Association of School Committees (MASC)

Massachusetts Association of School Superintendents (MASS)

Massachusetts Municipal Lawyers Association (MMLA)

CC:

Her Excellency Maura Healey, Governor of the Commonwealth
The Honorable Kim Driscoll, Lieutenant Governor of the Commonwealth
Massachusetts Executive Office of Education
Massachusetts Executive Office of Labor and Workforce Development