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July 24, 2011

Hand Delivered

Edward B. Srednicki, Executive Secretary
Commonwealth of Massachusetts
Department of Labor Relations
19 Staniford Street, 1st Floor
Boston, MA 02114

RE: Winthrop School Committee: MUP-09-5687

Dear Mr. Srednicki:

Enclosed please find an original and two (2) copies of the Answer of the Winthrop School Committee to the above Complaint of Prohibited Practice.

Kindly please docket the Answer.

Sincerely,



Paul J. Hodnett

cc.
Jill Coleman, WTA Representative.
John Macero, Superintendent of Schools

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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS

In the Matter of)
Winthrop School Committee)
And) MUP-09-5687
Winthrop Teachers Association)

ANSWER OF THE WINTHROP SCHOOL COMMITTEE TO THE
COMPLAINT OF PROHIBITED PRACTICE

NOW COMES, the Winthrop School Committee (hereinafter "Committee") and submits this answer in response to the above captioned complaint of prohibited practice issued by the Department of Labor Relations.

1. The Committee admits the Town of Winthrop (Town) is a public employer within the meaning of Section 1 of G.L. c. 150E (hereinafter "the Law").

2. The Committee admits it is the collective bargaining representative of the Town for the purpose of dealing with school employees.

3. The Committee admits the Winthrop Teachers Association (hereinafter "Association") is the exclusive bargaining representative for teachers and certain other professional employees employed by the School Committee.

4. The Committee admits prior to May 1, 2009, the Committee did not have an Advanced Placement Training and Awards Program (APTAP) whose purpose was to have more students take and achieve higher scores on advanced placements (AP) exams.

5. The Committee admits on or about May 1 2009, the Committee entered into an agreement with the Massachusetts Math & Science Initiative (MMSI) to develop an APTAP at the High School.

6. The Committee denies the allegations of paragraph 6 of the complaint.

7. The Committee denies the allegations of paragraph 7 of the complaint.

8. The Committee denies the allegations of paragraph 8 of the complaint.

9. The Committee admits it paid certain unit members stipends for their involvement in APTAP and awarded them stipends contingent upon their students achieving certain scores on the AP exams.

10. The Committee denies the allegations of paragraph 10 of the complaint.

11. The Committee denies the allegations of paragraph 11 of the complaint and further states it constitutes a legal conclusion to which no response is required.

12. The Committee denies the allegations of paragraph 12 of the complaint and further states that the Association, through its representatives, was given notice and an opportunity to bargain and did in fact bargain to a good faith impasse.

13. The Committee denies the allegations of paragraph 13 of the complaint and further states that it constitutes a legal conclusion to which no response is required.

14. The Committee denies the allegations of paragraph 14 of the complaint and further states that it constitutes a legal conclusion to which no response is required.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Association waived its right to bargain of any changes.

THIRD AFFIRMATIVE DEFENSE

The Committee gave the Association notice and an opportunity to bargain over the adoption, components and implementation of the APTAP plan and the parties bargained to a good faith impasse.

FOURTH AFFIRMATIVE DEFENSE

The Association failed to file the charge within the appropriate limitations period set out in the Department of Labor Relations Rules and Regulations, so the matter should be dismissed.

FIFTH AFFIRMATIVE DEFENSE

The Committee asserts that the decision to adopt the APTAP plan is an educational policy decision that is solely the decision of the Committee and not subject to collective bargaining.

WHEREFORE, the Winthrop School Committee requests the Department of Labor Relations to dismiss the Complaint of Prohibited Practice and to grant no relief to the Association.

Respectfully Submitted,
Winthrop School Committee
By its Attorney,

A handwritten signature in black ink, appearing to read "Paul J. Hodnett", written over a horizontal line.

Paul J. Hodnett, Esq.
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CERTIFICATE OF SERVICE

I, Paul J. Hodnett hereby certify that a copy of the attached Answer to the Complaint of Prohibited Practice has been served upon the following representative of the Association by mailing a copy postage prepaid this 24th day of July, 2011.

Jill Coleman
Massachusetts Teachers Association
50 Salem Street, Building B, Suite #9
Lynnfield, MA. 01940

A handwritten signature in black ink, appearing to read "Paul J. Hodnett", written over a horizontal line.

Paul J. Hodnett, Esq.