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COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT
RELATIONS BOARD
Plaintiff

v.

ANDOVER EDUCATION ASSOCIATION
Defendant.

CIVIL ACTION NO. 2377CV01082

~~Proposed~~ Preliminary Injunction Order

After a hearing at which the Andover Educators Association ("AEA" or "Defendant") and the Commonwealth Employment Relations Board ("Board") were represented by counsel and fully heard, the Board's Motion for Preliminary Injunction is allowed as specified below.

The Defendant AEA is restrained from failing and refusing to comply with the Board's Interim Order dated November 9, 2023 and are ordered to comply, as follows:

1. That the AEA be preliminarily enjoined pursuant to Mass. Rules of Civ. Procedure Rule 65(b) from failing and refusing to comply with the Order of the Board dated November 9, 2023. Specifically:
 - a. The AEA and its officers and the employees it represents shall immediately cease and desist from engaging or threatening to engage in ^{this} strike or work stoppage, slowdown or other withholding of services, and shall immediately return to their assigned work locations on November 13, 2023.
 - b. The AEA and its officers and the employees it represents shall immediately cease and desist from inducing, encouraging, or condoning ^{this} strike, work stoppage, or other withholding of services, either directly or through surrogates. The AEA shall not permit its officers to encourage, condone, or induce ^{this} strike, work stoppage, slowdown, or other withholding of services.
 - c. The AEA and its officers shall publicly state by 2:00 p.m. on November ^{Sunday this 12} 10, 2023 that: (1) the ~~November 9, 2023 vote authorizing a strike to take place~~ is cancelled and there will be no strike action; (2) engaging in, planning, inducing, encouraging, and condoning a strike, work stoppage, slowdown, or other withholding of services, is

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Larry Gery
DEPUTY ASST. CLERK

illegal and must therefore cease, and its members must return to work immediately. The AEA and its officers shall notify all employees the AEA represents of said statements immediately upon receipt of the Court's order, using all of its usual means of communicating with its bargaining unit members including, but not limited to, posting the statements on its website, Facebook page and/or any other social media it uses to regularly communicate with its membership.

← d. ~~That the parties report for a hearing before the Court at 9:00 a.m. on November 13, 2023 to report on AEA's compliance with the Court's orders, or that the AEA otherwise report in writing to the Court of its compliance with the Court's orders.~~

The AEA will report in writing to the Board and School Committee of its compliance by 9 a.m. on November 13, 2023.

e. The AEA and the School Committee shall immediately initiate or resume negotiations to resolution or impasse over the issues that separate them and utilize the procedures for resolving disputes provided in their collective bargaining agreements and M.G.L. c. 150E.

If the AEA has not submitted a report of its compliance

f. The AEA and the School Committee shall bargain in good faith for a successor collective bargaining agreement and participate in mediation before a mediator assigned by the DLR to bargain over the issues that separate them. The parties' participation in mediation ordered by the CERB shall not affect their rights under Section 9 of the Law.

or if there is a dispute as to compliance,

g. The AEA and its officers shall appear as required by the Board for a proceeding to determine compliance with this order and the Board's Interim Order.

2. The DLR shall retain jurisdiction of this matter to set further requirements as appropriate.

SO ORDERED.
the parties agree to appear in Court at 2 p.m. on November 13, 2023 on a motion for contempt hearing.

3. Counsel for AEA agrees to service of the preliminary injunction on behalf of AEA.
Until further Order of the Court.

Superior Court of Essex County

Karp, J.

November 10, 2023

A TRUE COPY, ATTEST