

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FIRST REGION

In the Matter of

THE LONGY SCHOOL OF MUSIC

and

AMERICAN FEDERATION OF TEACHERS
MASSACHUSETTS

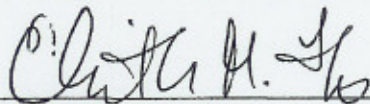
Cases 1-CA-46304
1-CA-46337
1-CA-46338
1-CA-46472

JOINT MOTION TO APPROVE CONDITIONAL WITHDRAWAL OF CHARGES,
DISMISS AMENDED CONSOLIDATED COMPLAINT AND ANSWER, AND REMAND
CASE TO REGION FOR CLOSING

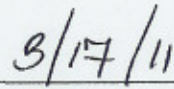
The record in this matter opened on February 10, 2011, in Boston, Massachusetts. On February 24, 2011, Administrative Law Judge Mark D. Rubin continued the case indefinitely based on the representations of the parties that they were close to finalizing a comprehensive settlement of issues, including the allegations in the Amended Consolidated Complaint. Subsequently, the Charging Party and Respondent informed the Regional Director that they had resolved the underlying dispute and reached agreement on all contested issues in this matter in the form of a non-Board settlement. The Charging Party has requested withdrawal of the charges herein, conditioned on Respondent's compliance with the terms of the parties' private settlement agreement. The Charging Party's request for withdrawal is attached as Attachment A. The terms of the settlement are attached hereto as Attachment B.

Counsel for the Acting General Counsel submits that the terms of the private settlement agreement of the parties provides appropriate remedies for the allegations in the Amended Consolidated Complaint, and in light of the parties' execution of an initial collective bargaining agreement, which contains a grievance/arbitration procedure to facilitate resolution of future disputes, the Charging Party's request for withdrawal of the charges should be approved.

Accordingly, the undersigned Parties jointly move that the Charging Party's request to withdraw the charges in this matter be approved, conditioned upon Respondent's compliance with the undertakings of their settlement agreement. Counsel for the Acting General Counsel further moves that the Amended Consolidated Complaint issued in this case and any Answer filed be dismissed, and that the matter be remanded to the Region for appropriate further action.¹




Elizabeth M. Tafe
Counsel for the Acting General Counsel
National Labor Relations Board
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, 6th Floor
Boston, MA 02222-1072



Date



Haidee Morris
Counsel for the Charging Party



Date

Donald Schroeder
Counsel for Respondent

Date

¹ A proposed order is attached hereto as Attachment C.

Counsel for the Acting General Counsel submits that the terms of the private settlement agreement of the parties provides appropriate remedies for the allegations in the Amended Consolidated Complaint, and in light of the parties' execution of an initial collective bargaining agreement, which contains a grievance/arbitration procedure to facilitate resolution of future disputes, the Charging Party's request for withdrawal of the charges should be approved.

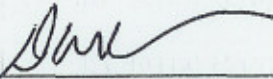
Accordingly, the undersigned Parties jointly move that the Charging Party's request to withdraw the charges in this matter be approved, conditioned upon Respondent's compliance with the undertakings of their settlement agreement. Counsel for the Acting General Counsel further moves that the Amended Consolidated Complaint issued in this case and any Answer filed be dismissed, and that the matter be remanded to the Region for appropriate further action.¹

Elizabeth M. Tafe
Counsel for the Acting General Counsel
National Labor Relations Board
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, 6th Floor
Boston, MA 02222-1072

Date

Haidee Morris
Counsel for the Charging Party

Date



Donald Schroeder
Counsel for Respondent

3/18/11

Date

¹ A proposed order is attached hereto as Attachment C.

ATTACHMENT A



AMERICAN FEDERATION OF TEACHERS MASSACHUSETTS

38 Chauncy Street, Suite 402
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March 11, 2011

BY ELECTRONIC AND REGULAR MAIL

Mark D. Rubin, Esq.
Administrative Law Judge
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570

RE: Case Nos. 1-CA-46304, 1-CA-46337, 1-CA-46338, 1-CA-46372
American Federation of Teachers Massachusetts
and
Longy School of Music
Request for Withdrawal of Charges

Dear Judge Rubin:

The American Federation of Teachers Massachusetts, Longy Faculty Union, hereby requests approval of the withdrawal of the above referenced unfair labor practice charges, conditional upon execution of the parties' undertakings pursuant to the attached settlement agreement, namely after the execution by both parties of the collective bargaining agreement which was ratified by the Union on March 6, 2011 and executed on March 10, 2011, and the payments and other obligations to be made within thirty days of the effective date of the agreement. All releases have been signed on or before March 2, 2011, which makes the effective date of the agreement March 10, 2011.

Sincerely,

Haidee Morris
General Counsel

c: Rosemary Pye, Regional Director
Susan Lawson, Esq.
Elizabeth Tafe, Esq.
Donald W. Schroeder, Esq.