

MINUTES OF THE EXECUTIVE SESSION
OF THE MALDEN SCHOOL COMMITTEE
Monday, November 9, 2020
Online Meeting

Mayor Christenson called the meeting to order at 8:24 p.m.

Roll Call

The following attendance was taken:

Mayor Christenson	Present
Mr. Drummey	Absent
Mr. Froio	Present
Mr. Gray	Present
Mr. Iovino	Present
Ms. Luong	Present
Mr. McCarthy	Present
Ms. Spadafora	Present
Mr. Wedai	Present
Superintendent Oteri	Present
Attorney Greenspan	Present
Attorney Rossetti	Present
Clerk	Present

1. Open Meeting Law, MGL c. 30A, § 23(b) Complaint

Attorney Rossetti provided a synopsis of the Open Meeting Law (OML) Complaint from Mr. Friedman. Mr. Friedman wrote in his complaint that during the public comment section of the October 5th School Committee Meeting, his email was mentioned as an email which was received, but it was never entered or read into the record nor commented on.

Attorney Rossetti said that he is in contact with Mr. Friedman in an effort to resolve the pending complaint. Mr. Friedman responded that certain conditions need to be met such as assurances that each question he raised was going to be answered. Attorney Rossetti said that the report provided during the meeting earlier has probably answered the questions as best as possible at this time.

Attorney Rossetti said that irrespective of whether Mr. Friedman decides to resolve the matter or not, with the School Committee approval, he will be writing to the Office of the Attorney General about the efforts of the Malden School Committee to resolve the matter. Attorney Rossetti added that generally public comments do not necessitate a response.

In response to a question from Ms. Spadafora, Attorney Rossetti responded that even though Mr. Friedman has on-going litigation with the School Department, his OML complaint will still need to be answered.

Mr. Wedai made the motion to approve Attorney Rossetti to act on behalf of the School Committee to seek resolution to the complaint and proceed with communicating with the Office of the Attorney General. Mr. Iovino seconded. A roll call vote was taken.

Mr. Drummey ABSENT

Mr. Froio voted YES
Mr. Gray voted YES
Mr. Iovino voted YES
Ms. Luong voted YES
Mr. McCarthy voted YES
Ms. Spadafora voted YES
Mr. Weldai voted YES
Mayor Christenson voted YES
Motion passed with 8 votes in favor and 1 absent.

2. MOU with MEA on ELC Unit A and Unit C Members Involuntarily Transferred and/or Reassigned

Attorney Greenspan said that the Memorandum of Understanding (MOU) between the Malden Education Association (MEA) and the Malden School Committee states among other things that Unit A and Unit C members were involuntarily transferred and/or reassigned from the Early Learning Center (ELC) in SY 2020-2021 shall have the right to return to the positions from which they were displaced if the positions are reinstated for SY 2021-2022. The MOU also states that if any of the positions from which unit members were involuntarily transferred and/or reassigned from are reinstated during the course of SY 2020-2021, both parties agree to revisit this agreement to determine the appropriate course of action.

In response to a question from Mr. Weldai, Attorney Greenspan said that the unit members will not automatically be reinstated should the positions at ELC become available again.

Ms. Spadafora made the motion to approve the MOU with MEA on ELC Unit A and Unit C members who were involuntarily transferred and/or reassigned. Mr. McCarthy seconded. A roll call vote was taken.

Mr. Drummey ABSENT
Mr. Froio voted YES
Mr. Gray voted YES
Mr. Iovino voted YES
Ms. Luong voted YES
Mr. McCarthy voted YES
Ms. Spadafora voted YES
Mr. Weldai voted YES
Mayor Christenson voted YES
Motion passed with 8 votes in favor and 1 absent.

3. Collective Bargaining - Unit A, Unit B and Unit C

Mr. Weldai spoke about the efforts to bring more students into the school buildings for in-person learning. Mr. Weldai asked if a decision can be reached by the Joint Labor Management Committee (JLMC) on how and when to bring students back which differs from the existing Memorandum of Agreement (MOA) on this matter. Attorney Greenspan said that the JLMC cannot negotiate the terms of the MOA. In order to change anything in the MOA, negotiations will have to be commenced again.

In response to a question that was raised, Attorney Greenspan said that under the MOA, the JLMC recommends movement between the learning phases. There was a discussion about the management rights of the School Committee for moving between the phases.

Mr. Weldai posed a question if PreK and Kindergarten students could be brought into the schools for in-person learning instead of the English Learner students and others for the next step. Attorney Greenspan said that since the groups of students and sequence of in-person learning was clearly identified in the Memorandum of Agreement with the MEA, it needs to be renegotiated. The JLMC is not likely to make this recommendation because there will most likely not be enough votes. Mr. lovino suggested to re-convene the negotiations team. Mayor Christenson said that the discussion should be taken under advisement and a special meeting be called to discuss the matter further.

Adjournment

Mr. lovino made the motion to adjourn Executive Session at 9:00 p.m. Mr. McCarthy seconded. A roll call vote was taken.

Mr. Drummey ABSENT

Mr. Froio voted YES

Mr. Gray voted YES

Mr. lovino voted YES

Ms. Luong voted YES

Mr. McCarthy voted YES

Ms. Spadafora voted YES

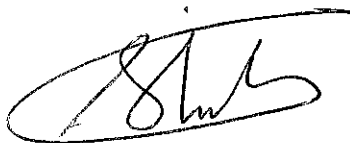
Mr. Weldai voted YES

Mayor Christenson voted YES

Motion passed with 8 votes in favor and 1 absent.

The committee reconvened to the Regular Session at 9:02 p.m.

I certify that a notice of this meeting was filed with the Clerk of the City of Malden in the manner provided under Chapter 39, Section 23A of the General Laws.



Shirley Dorai, Clerk