



**Detzky
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April 27, 2010

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Reply to: Somerville

Arnold Zudick, Director of Unfair Practice Proceedings
Public Employment Relations Commission
495 West State Street
P.O. Box 429
Trenton, N.J. 08625-0429

RE: MATAWAN-ABERDEEN REGIONAL TEACHERS ASSOCIATION vs.
MATAWAN-ABERDEEN REGIONAL BOARD OF EDUCATION (Unfair
Practice Charge)

Dear Mr. Zudick:

Enclosed please find an original and nine (9) copies of an Unfair Practice Charge filed in the above captioned matter.

A copy of this Unfair Practice Charge has been forwarded to David Rubin, Esq., the attorney for the Board of Education and Dr. Richard O'Malley, Superintendent.

Very truly yours,

Stephen B. Hunter

SBH/vjb
Enclosures

cc: Carl Kosmyna, President
Marc Abramson, NJEA
Tom Bohnyak, NJEA
Dr. Richard O'Malley, Superintendent
David Rubin, Esq.



STATE OF NEW JERSEY
 PUBLIC EMPLOYMENT RELATIONS COMMISSION
 PO Box 429
 TRENTON, NEW JERSEY 08625-0429

For Courier Delivery
 495 West State St.
 Trenton, NJ 08618

UNFAIR PRACTICE CHARGE

File an original and 9 copies of this charge with the Director of Unfair Practices, Public Employment Relations Commission, together with proof of the simultaneous service of a copy of the charge on the respondent(s). See Instructions on back.	DO NOT WRITE IN THIS SPACE
1. CHARGING PARTY	DOCKET NO.: DATE FILED:
Full Name: Matawan-Aberdeen Regional Teachers Association	County: Monmouth
Address of Charging Party (Street and Number, City, State and Zip Code): c/o Detzky & Hunter, LLC, 33 North Bridge Street, Somerville, N.J. 08876	
Name and Title of Representative to Contact: Stephen B. Hunter, Esq.	Telephone No.: (908) 707-4560
Attorney/Consultant Representing Charging Party (if any): Same as above	Telephone No.:
Attorney/Consultant Address (Street and Number, City, State and Zip Code): Same as above	
2. RESPONDENT(S) (Public employer and/or employee organization against whom charge is made)	
Full Name: Matawan-Aberdeen Regional Board of Education	County: Monmouth
Address of Respondent(s) (Street and Number, City, State and Zip Code): One Crest Way, Aberdeen, N.J. 07747	
Name and Title of Representative to Contact: Dr. Richard O'Malley, Superintendent	Telephone No.: (732) 705-4003
Attorney/Consultant Representing Respondent(s) (if any): David Rubin, Esq.	Telephone No.: (732) 767-0440
Attorney/Consultant Address (Street and Number, City, State and Zip Code): 44 Bridge Street, P.O. Box 4579, Metuchen, N.J. 08840	
3. STATEMENT OF CHARGE (See Instructions on back)	
Pursuant to the New Jersey Employer-Employee Relations Act, as amended, the charging party hereby alleges that the above-named respondent(s) has (have) engaged or is (are) engaging in an unfair practice within the meaning of <u>N.J.S.A. 34:13A-5.4(a), subsection(s) (a)(1) & (2)</u> and/or <u>N.J.S.A. 34:13A-5.4(b), subsection(s)</u> in that:	
_____ (List subsections)	
_____ (List subsections)	
SEE ATTACHED	
(Indicate whether additional sheets are attached)	

4. REMEDY SOUGHT (State the remedy you request the Commission to order)

(Indicate whether additional sheets are attached)

5. CHECK ALL PETITIONS AND/OR CHARGES FILED RECENTLY OR SIMULTANEOUSLY WITH THIS CHARGE.
 (Indicate date(s) filed and docket number(s) assigned, if available)

<input type="checkbox"/>	Petition to Initiate Compulsory Interest Arbitration Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Request for Submission of Panel of Arbitrators Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Notice of Impasse Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Scope of Negotiations Petition Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Representation Petition Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Petition for Issue Definition Determination Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Petition for Contested Transfer Determination Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Other Unfair Practice Charge(s) Docket No. _____ Date Filed: _____
<input type="checkbox"/>	Related Filings At Other Administrative Agencies Docket No. _____ Date Filed: _____	<input type="checkbox"/>	Other (explain)

6. CERTIFICATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Signature Styler O. Hunter Title ATTORNEY FOR THE ARTA Date 4/27/10

INSTRUCTIONS FOR FILING AN UNFAIR PRACTICE CHARGE

1. Type or clearly print all information.
2. Fill in all sections of the charge.
3. Under "Statement of Charge" provide a clear and concise statement of the facts constituting the alleged unfair practice.
 Be sure to:
 - a. list the subsections of the Act alleged to have been violated.
 - b. specify the time and place the alleged acts occurred and the names of the persons alleged to have committed such acts.
 Attach additional sheets if necessary.
4. State specifically the remedy you are asking the Commission to order.
5. Indicate all related petitions and charges by "checking" the appropriate boxes and filling in the Docket No. and Date Filed.
6. Sign the Certification above.
7. File an original and nine copies with the Director of Unfair Practices, Public Employment Relations Commission.
8. Include with your filing proof that you served a copy of the charge on the respondent(s). Proof can take the form of a statement explaining how, when and on whom the charge has been served.

1. The Matawan-Aberdeen Regional Teachers Association is the recognized majority representative for, among other professional and support staff titles, all non-supervisory certificated teaching staff members employed within the Matawan-Aberdeen Regional Board of Education.

2. The Matawan-Aberdeen Regional Board of Education is a public employer within the meaning of the New Jersey Employer-Employee Relations Act and is subject to the Act's provisions.

3. The Matawan-Aberdeen Regional Board of Education (hereinafter the "Board") and the Matawan-Aberdeen Regional Teachers Association (hereinafter the "Association") are parties to a collective negotiations agreement covering the time period between July 1, 2007 through June 30, 2010. The parties are presently negotiating a successor collective negotiations agreement.

4. Joseph Warren (hereinafter "Warren") is a member of the Board of Education and has been a member of the Board since approximately April, 2009.

5. Board member Warren maintains a blog; i.e. the Aberdeener, that this Board member has used, in part, to both criticize the leadership of the Association and to attempt to negotiate a successor contract by his efforts to convince teaching staff members and support staff represented by the Association to repudiate the contract proposals regarding contract negotiations that have been submitted by the Association's Negotiations Team.

6. The following are summaries of only some of the many blog entries of Board member Warren that have been critical of the Association's leadership and that have also divulged confidential contract negotiation positions of the Association to members of the public:

- a. Board member Warren called the Association's Union President Carl Kosmyna a liar and referred to the Association's "ludicrous claim" that the Association had offered a pay freeze and that this proposal was rejected by the Board of Education. (April 12, 2010 blog entry).
- b. Board member Warren referred to the Leadership of the Association as "rodeo clowns" and referred to the Association's responses to threatened layoffs

as being representative of the Association's "latest antics and utter incompetence". (March 25, 2010 blog entry).

- c. Board member Warren stated, in part, that "the Union has orchestrated political theatre from heckling Board members at a public meeting to frightening the community into believing the District will replace our beloved custodians with pedophiles". (March 25, 2010 blog entry).
- d. Board member Warren maintained that "the Union has not offered any concessions or suggestions on how to cut costs and save jobs" and maintained that "Union Officers receive full pay for reduced work load to permit extra time for Union activities". He also stated that "the Union has filed a slew of grievances demanding extra pay which, if victorious, will result in more job losses". (March 25, 2010 blog entry).
- e. Board member Warren, in continuing his vituperative and defamatory charges against the Association Leadership, concluded one of his blog entries with the following statement:

As every rodeo clown knows, you can distract the bull, deceive the bull, and avoid the bull, but stick around too long and you will get trampled. The Union leadership can no longer distract, deceive or avoid the public or its membership. (March 25, 2010 blog entry).
- f. Board member Warren published the salaries of Union Executive Board members over the past four years and attacked the negotiating of what Board Warren referred to as "a bewildering array of stipends", while he consciously omitted the fact that the salaries he reported in the blog **included coaching salaries and other negotiated stipends.**

7. To date, the Board of Education has taken no action to prohibit Board member Warren from his malicious attempts to replace the existing Association leadership and to coerce the Association into contract concessions by disseminating misrepresentations about the terms and conditions of employment of Association teaching staff members and support staff. The Board therefore has supported the efforts of Board member Warren to dominate and/or interfere with the existence and administration of the Association in violation of N.J.S.A. 34:13A-5.4(a)(2).

8. The actions of the Board in refusing to repudiate the statements of one of its Board members, Joseph Warren, has also engaged in actions designed to interfere with, coerce and restrain employees represented by the Association in violation of N.J.S.A. 34:13A-5.4(a)(1).

WHEREFORE, the Matawan-Aberdeen Regional Teachers Association seeks an Order from the New Jersey Public Employment Relations Commission:

(A) Finding and declaring that the Matawan-Aberdeen Regional Board of Education has violated the prescriptions of N.J.S.A. 34:13A-5.4(a)(1) and N.J.S.A. 34:13A-5.4(a)(2);

(B) Finding and declaring that the actions of individual Board member Joseph Warren, as supported by at least the majority of the Board of Education, represents efforts to illegally dominate and/or interfere with the existence and administration of the Teachers Association;

(C) Finding and declaring that the Board has acted to interfere with, restrain and coerce employees represented by the Association in the exercise of rights protected by the New Jersey Employer-Employee Relations Act;

(D) Requiring the Board of Education to repudiate **in writing** all of Board member Warren's defamatory **ad hominem** attacks on the Association's leadership and his consistent misrepresentations about the content of and status of contract negotiations and pending Association grievances;

(E) Requiring the Board of Education to advise Board member Joseph Warren to cease and desist from including any comments in his blog, the Aberdeener, that relate to ongoing contract negotiations issues and other personnel and labor relations matters involving the Association and the Board or, in the alternative, request that Warren resign as a Board of Education member;

(F) Requiring the posting of appropriate Notices to Public Employees advising said employees of the Board's illegal conduct;

(G) For such other and further relief as the New Jersey Public Employment Relations Commission deems to be appropriate under the circumstances.