

P.E.R.C. NO. 2009-24

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

EAST ORANGE BOARD OF EDUCATION,  
Respondent,

-and-

Docket No. CO-2006-153

EAST ORANGE EDUCATION ASSOCIATION,  
Charging Party.

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EAST ORANGE BOARD OF EDUCATION,  
Respondent,

-and-

Docket No. TI-2006-004

CLARICE SMITH JARVIS,  
Petitioner.

SYNOPSIS

The Public Employment Relations Commission adopts with modification the Hearing Examiner's recommended decision and finds that the East Orange Board of Education violated 5.4a(1) and (3) when it transferred teachers after they appeared at a Board meeting to support a teacher that the principal recommended for non-renewal. The Commission further adopts the Hearing Examiner's finding that the Board independently violated 5.4a(1) when the Principal repeatedly referred to an Association building representative as "Sour Juice" in front of unit members; when the Principal solicited two non-tenured teachers to write letters to the Association President complaining about the Association building representative; and when the Principal called a particular Association representative to act as her witness at disciplinary meetings with two unit members.

The Commission dismissed the 5.4a(1) and (5) allegations of direct dealing regarding pay for after-school club activities. The Commission further finds, in the absence of exceptions, that the Board violated N.J.S.A. 34:13A-25 when it transferred Clarice Smith-Jarvis as punishment for her Association activities.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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CLARICE SMITH JARVIS,

Petitioner.

Appearances:

For the Respondent, Schwartz, Simon, Edelstein, Celso & Kessler, LLP, attorneys (Nicholas Celso, of counsel)

For the Charging Party and Petitioner, Oxfeld Cohen, P.C., attorneys (Gail Oxfeld Kanef, of counsel)

DECISION

This is a case where charging parties allege that Clarice Smith Jarvis<sup>1/</sup> and five other employees were transferred in

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<sup>1/</sup> The record indicates several different spellings for Clarice Smith Jarvis's name. We have relied on a letter in the record that Smith Jarvis wrote to reach a conclusion on the proper spelling.

retaliation for speaking out at a Board meeting in support of a co-worker, Sharonda Allen, who was challenging the Superintendent's recommendation not to renew her contract. In addition, Smith Jarvis alleges that she was retaliated against for her union activities as well as transferred for resisting the Whole School Reform ("WSR") model America's Choice that was in the first year of implementation at Costley Middle School.

On May 15, 2008, the East Orange Board of Education filed exceptions to a Hearing Examiner's report and recommendations. H.E. No. 2008-9, 34 NJPER 173 (¶71 2008). In that decision, Hearing Examiner Wendy L. Young concluded that the Board violated 5.4(a)(1) and (3)<sup>2/</sup> of the New Jersey Employer-Employee Relations Act when it transferred Smith Jarvis and other staff members because they appeared at the Allen Board hearing and, in the case of Smith Jarvis, because of her activities as Association building representative. The Hearing Examiner further found that the Board violated 5.4(a)(1) when Principal Amalia Trono repeatedly referred to Smith Jarvis as "sour juice"

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<sup>2/</sup> These provisions prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act . . . [and] (3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act."

in front of Association members in reference to her activities as Association building representative; when Trono solicited and/or threatened teachers Darrell Shoulars and Monique Van Wells to write letters to Association President Greadington complaining about Smith Jarvis and asking to have her removed as Association building representative; and when Trono summoned a particular Association representative, Marianne Lahr, to act as her witness at disciplinary meetings with unit members Irene Nowicki and Van Wells. The Hearing Examiner recommended that we dismiss the portion of the Complaint alleging that the Board violated 5.4a(1) and (5)<sup>3/</sup> when Trono dealt directly with unit members regarding the rate of pay for participation in after-school clubs. Finally, the Hearing Examiner found that the Board violated N.J.S.A. 34:13A-25<sup>4/</sup> when it transferred Smith Jarvis from Costley to Garvin Elementary School for disciplinary reasons. As a remedy for these violations, the Hearing Examiner recommended

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3/ This provision prohibits public employers from: "(5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative."

4/ N.J.S.A. 34:13A-25 applies to school board employees and provides that: "Transfers of employees by employers between work sites shall not be mandatorily negotiable except that no employer shall transfer an employee for disciplinary reasons."

that we order the Board to transfer Smith Jarvis back to Costley and offer transfers to the other charging parties. After an independent review of the record, we adopt the Hearing Examiner's recommendations with one minor modification.

This case arose on December 1, 2005 when Smith Jarvis filed a petition for contested transfer determination. She claims that the Board transferred her between work sites for disciplinary reasons in violation of N.J.S.A. 34:13A-25. More specifically, Smith Jarvis alleges that she was transferred from Costley to Garvin Elementary School because she was a "resister" and because she and other employees spoke out at a Board meeting in opposition to the non-renewal of Sharonda Allen's employment contract.

On December 12, 2005, the East Orange Education Association filed a related unfair practice charge against the Board. The charge, as amended on December 27 and April 6, 2006, alleges that the Board violated the Act, specifically 5.4a(1), (3) and (5), when Principal Amelia Trono engaged in a pattern of behavior exhibiting anti-union animus, interfered with union activities, and negotiated terms and conditions of employment directly with unit members. Specifically, the charge alleges that Trono referred to Smith Jarvis as "sour juice" to undermine her authority as an Association building representative; interfered

with unit members' choice of Association representative at disciplinary hearings; and enlisted a teacher to write to the Association president to complain and have Smith Jarvis removed as the building representative.

On March 27 and May 9, 2006, the Board filed its Answers to the petition and charge. The Board denied that it transferred Smith Jarvis for disciplinary reasons and asserted that she requested a transfer. It further stated that it transferred the teachers out of Costley for a legitimate business reason - they were resisting the implementation of a new WSR model.

On April 28, 2006, a Notice of Hearing in the transfer case, a Complaint and Notice of Hearing in the unfair practice case, and an Order consolidating the cases for hearing issued. The Hearing Examiner conducted ten days of hearing at which the parties examined witnesses, introduced exhibits, and filed post-hearing briefs by October 29, 2007.

On April 22, 2008, the Hearing Examiner issued her 173 page report and recommendations. On May 15, after an extension of time, the Board filed exceptions. The Board excepts to the Hearing Examiner's credibility determinations and legal conclusions. It argues that the weight of the evidence suggests that the Board had a legitimate business reason for transferring the employees because they were resisting the WSR model and

undermining the educational program at Costley. It further excepts to the Hearing Examiner's reliance on the timing of the transfers; the finding that Trono as a first year principal had the power to orchestrate the transfers; and the conclusion that the specific reasons for the transfers of other teachers from other schools are not in the record. On June 10, after an extension of time, the Association filed an answering brief. On June 12, the Board was granted leave to file a reply brief and did so on June 23. The Association did not file cross-exceptions.

We have reviewed the record. We adopt and incorporate the Hearing Examiner's findings of fact with one correction (H.E. at 5-122). We correct finding no. 26 to reflect that Dr. Seymour Weiss was a Deputy Assistant Commissioner for Controversies and Disputes.<sup>5/</sup> The Board has not specified each question of procedure, fact, law or policy to which exception is taken nor has it identified that part of the voluminous record and recommended decision to which exception is taken. N.J.A.C. 19:14-7.3(b). Under these circumstances, we will do our best to fully consider the Board's seven exceptions.

Exception 1: The Hearing Examiner erred in concluding that the subject transfers were not based on a legitimate business reason.

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<sup>5/</sup> The court reporter incorrectly transcribed his title.

The Board argues that the Hearing Examiner erred in finding a violation of 5.4a(1) and (3) when it transferred Clarice Smith Jarvis, Rodney Beaver, Susan Rich, Carla Hinds, James Haggerty and Deborah Waters because they appeared at a Board meeting to support Sharonda Allen. The Board further contends that the Hearing Examiner erred when she further found that Trono's recommendation that Smith Jarvis be transferred out of Costley was motivated by Trono's desire to have her removed as Association building representative and to punish her for her appearance before the Board in support of Allen.

The Board contends that the Hearing Examiner did not give enough weight to its evidence regarding the Collaborative Assessment and Planning for Achievement ("CAPA") Report issued by the CAPA review team that the Board states formed the basis for the staff transfers.<sup>6/</sup> The CAPA team review of Costley occurred from April 25 to 29, 2005. The team was led by Dr. Seymour Weiss, a New Jersey Department of Education ("NJDOE") consultant and a retired NJDOE Deputy Assistant Commissioner for

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<sup>6/</sup> If a school district is not making its annual yearly progress ("AYP") under education regulations, a school restructuring plan must be developed by a State-appointed team of consultants that reviews documentation; interviews teachers, parents and students; observes classes; and develops a report with findings and recommendations to provide guidance in overcoming existing problems. H.E. at 5-9.



Controversies and Disputes and was comprised of 12 individuals from various public education backgrounds and specialties. In the CAPA report, the team noted a small faction of teachers assigned to Costley that strongly resisted the WSR model and that had intimidated staff members and threatened to undermine the success of the program. The report suggested that "[t]he underlying issue of division in the staff regarding the acceptance of the WSR model should be immediately addressed in order to ensure the integrity and success of the entire program."

The Board argues that the Hearing Examiner overlooked the CAPA team recommendation that the Board "[r]eplace the school staff who are relevant to the school not making AYP." It contends that the decision to transfer the Costley staff was made as a direct result of this instruction and obligation of the Board under N.J.S.A. 18A:7F-6.<sup>7/</sup> The Board argues that it has proven an accomplished educational and operational objective because Smith Jarvis was not committed to implementing the America's Choice model. It cites to comments in Smith Jarvis's March 30, 2005 observation as well as the testimony of Model Teacher Deborah Balogh and Design Coach Yvy Joseph to establish

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<sup>7/</sup> N.J.S.A. 18A:7F-6 outlines the authority of the Commissioner of Education to summarily implement remedial action that includes staff reassignment in a district that is not making adequate progress in achieving the core curriculum content standards.

that Smith Jarvis was not implementing the America's Choice model. It further states this evidence was confirmed by Wilson's testimony that based upon discussions regarding the CAPA findings and recommendations with Assistant Superintendents Gloria Scott and Kenneth King, and Washington Elementary Principal Brenda Veale as well as Trono, he reached the decision to transfer the teachers from Costley including Smith Jarvis. The Board also argues that the Hearing Examiner failed to consider the significance of a April 5, 2006 letter from Gordon MacInnes, Assistant Commissioner of the NJDOE, issued after the CAPA report and recommendations were reviewed and implemented, which states that the "district has developed a plan that adequately addresses the school restructuring requirements specified in the No Child Left Behind Act." The Board contends that the Hearing Examiner erred by focusing on the Board meeting where teachers came to support a peer rather than crediting the testimony of MacInnes, an outside witness.

The Hearing Examiner applied the standards in In re Bridgewater Tp., 95 N.J. 235 (1984), for determining whether an employer has illegally retaliated against an employee for activity protected by the Act. Under Bridgewater, no violation will be found unless the charging party has proved, by a preponderance of the evidence on the entire record, that

protected conduct was a substantial or motivating factor in the adverse action. However, even if a charging party has met this burden, an employer will not have violated the Act if it can prove, by a preponderance of the evidence on the entire record, that the adverse action would have taken place absent the protected conduct. Id. at 242. Conflicting proofs concerning the employer's motives are for the finder of fact to resolve.

We reject this exception. The Hearing Examiner based her findings of anti-union animus on credibility determinations as well as direct and circumstantial evidence. We find ample evidence in the record to support the Hearing Examiner's conclusion that Smith Jarvis was involved in protected activity and that the Board was aware of her protected conduct. Trono recommended the transfer of Smith Jarvis and the other teachers to Wilson. While standing alone, the CAPA report might have been a legitimate reason for transferring staff, the overwhelming weight of the evidence of hostility on the part of Trono and the complete lack of evidence of any independent source for the transfer recommendation points to a different reason. See Mt. Olive Tp. Bd. of Ed., P.E.R.C. No. 90-066, 16 NJPER 128 (¶21050 1990) (Board violated the Act by accepting transfer recommendation of superintendent motivated by union animus). Most importantly, the Hearing Examiner did not credit Trono's

testimony when she denied that she ever stated she would transfer Smith Jarvis and other employees by labeling them resistors. The Hearing Examiner concluded that Trono's motive for the transfers was to remove Smith Jarvis from the building because of her union activity and to remove the other staff members that spoke in support of Sharonda Allen at a Board meeting. The Hearing Examiner rejected the CAPA report as the Board's proffered legitimate business reason. The Hearing Examiner found that on the day after the Board meeting, Trono wrote the names of those employees who attended the meeting in a red book and stated that she would have them transferred by labeling them resistors to the WSR model. We will not disturb those findings. We may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record. N.J.S.A. 52:14B-10(c); Warren Hills Reg. Bd. of Ed., P.E.R.C. No. 2005-26, 30 NJPER 439 (¶145 2004), aff'd 32 NJPER 8 (¶2 App. Div. 2005), certif. den. 186 N.J. 609 (2006) (absent compelling contrary evidence, Commission will not substitute its reading of the transcript for the Hearing Examiner's credibility determinations).

The cases the Board relies on are distinguishable because in them, the first element of Bridgewater - hostility to protected activity - was not proven. See Old Bridge Tp. Bd. of Ed., P.E.R.C. No. 2005-64, 31 NJPER 116 (¶49 2005), aff'd 32 NJPER 201 (¶87 App. Div. 2006) (summary judgment for the board when evidence established that teacher was transferred to a location that minimized conflicts with other employees - no hostility to union activity); Middletown Tp. Bd. of Ed., P.E.R.C. No. 86-142, 12 NJPER 521 (¶17194 1986) (Association did not prove hostility to protected activity); East Orange Bd. of Ed., P.E.R.C. No. 2002-49, 28 NJPER 153 (¶33053 2002) (transfer of teachers to improve student performance is not discipline - no evidence of hostility to union activity).

Exception 2: Even in the event the Hearing Examiner found anti-union animus in this case, which is denied, Trono's belief that the transferred employees were an impediment to the program is also a legitimate business reason.

The Board argues that there is no credible evidence in the record to support the Hearing Examiner's findings of anti-union animus. It further argues that regardless of any anti-union sentiment found by the Hearing Examiner, it proved that the teachers would have been transferred anyway because Trono recommended the staff transfers to Wilson because she believed

the teachers were not implementing the America's Choice WSR model. The Board argues that we should credit Wilson's testimony that he wanted to address the situation at Costley and implement the recommendations of the CAPA report.

We reject this exception. There is ample evidence in the record to support the Hearing Examiner's finding of Trono's anti-union animus. The Hearing Examiner did not credit Trono's testimony regarding the reasons for the transfer - that the charging parties were not implementing the WSR model. Instead, the Hearing Examiner credited the testimony of other staff members about Trono's criticism of Smith Jarvis as a union representative and Trono's plan to have Smith Jarvis removed as the building representative by requesting that Darrell Shoulars write a letter to Association President Greadington. The Hearing Examiner found that it was Trono who identified the individuals to be transferred, not Wilson, and that anti-union animus was the motivating force behind her decision.

Even if the Hearing Examiner had found that the charging parties were not implementing the WSR model, we would still find a violation because that legitimate reason for a transfer was not, in fact, the one that motivated these transfer decisions.

Exception 3: There was nothing suspicious in the timing of the transfer of the employees. The Hearing Examiner erred in reaching that conclusion.

The Board argues that the timing of the transfers is not suspicious and that the Hearing Examiner erroneously disregarded the testimony of Trono and Wilson that staff transfers are made at the end of the year and during the summer for the next school year.

We reject this exception. Timing is an important factor in assessing motivation and may give rise to an inference that a personnel action was taken in retaliation for protected activity. City of Margate, P.E.R.C. No. 87-145, 13 NJPER 498 (¶18183 1987); Borough of Glassboro, P.E.R.C. No. 86-141, 12 NJPER 517 (¶17193 1986); Dennis Tp. Bd. of Ed., P.E.R.C. No. 86-69, 12 NJPER 16 (¶17005 1985). The record supports the inference drawn by the Hearing Examiner from the timing of the transfer decisions. The Hearing Examiner found that Trono indicated on the day after the Allen hearing that she intended to have the Allen supporters transferred by labeling them resistors to the America's Choice model and communicating this to Wilson. Weeks later, Trono made the recommendation to Wilson.

Exception 4: The Hearing Examiner erred in concluding that the first year principal single-handedly orchestrated the transfers in this case.

The Board argues that the Hearing Examiner gave exaggerated influence to Trono's power to influence Wilson - a superintendent with over 31 years of experience in education.

We reject this exception. The record supports the Hearing Examiner's conclusion that Trono alone identified for Wilson the staff members she wanted transferred. Wilson was not aware of Trono's motivation, but accepted her identifications and recommended to the Board that it transfer the teachers Trono sought to remove for their union activity.

Exception 5: The cross-examination questions to Darrell Shoulars were clear and the Hearing Examiner erred in crediting Shoular's testimony regarding his contradictory letters about Smith Jarvis.

The Hearing Examiner credited the testimony of Darrell Shoulars that Trono told him to write a letter to Association President Greadington seeking the removal of Smith Jarvis as building representative. Shoulars testified on direct examination that he wrote a false letter because, as a non-tenured teacher, he was fearful that his job could be in jeopardy if he refused Trono's request. When Smith Jarvis found out about the letter, she wrote to Shoulars to question his criticism of her as an Association representative. Shoulars then responded in writing to Smith Jarvis and apologized, explaining that Trono put him up to writing the first letter. The Board argues that Shoulars's testimony clearly supports a finding that Smith Jarvis negatively affected other staff in the building and that fact caused Shoulars to write the letter of criticism, which Shoulars only recanted under union pressure.



On cross-examination, Shoulars answered questions regarding his two letters indicating that his first letter about Smith Jarvis was both true and false. Counsel for the Board questioned Shoulars about whether each letter was true or false and whether Shoulars was a liar. Shoulars gave conflicting answers to the same question. The Hearing Examiner found the cross-examination of Shoulars to be confusing, but she credited his direct testimony.

We reject the Board's challenges to the Hearing Examiner's credibility determinations. One of Shoulars's letters was true and one was false and the Hearing Examiner had to decide which was which. Based on demeanor, straightforwardness and consistency with other testimony, the Hearing Examiner did so and credited the Association's witnesses. We will not disturb that determination. We find that the record supports the Hearing Examiner's finding that Shoulars was confused by the cross-examination questions.

Exception 6: The Hearing Examiner erred in concluding that James Haggerty was transferred in violation of sections 5.4a(1) and (3) of the Act.

The Board argues that Haggerty was not transferred, but left the district. The Association counters that Haggerty was slated to be transferred, but resigned prior to the action. The record reflects that Trono recommended to Wilson that Haggerty be

transferred and that Haggerty's name appears on the electronic whiteboard print out in evidence. However, Haggerty's name is not listed on the Board agenda in evidence as being transferred. Thus, we grant this exception and modify the Hearing Examiner's order to exclude James Haggerty.

Exception 7: The Hearing Examiner erred in concluding that the specific reason for the transfer recommendations of the Truth and Healy Middle School teachers is not in evidence.

We reject this exception. At the time of the disputed transfers, other teachers from Truth and Healy Middle Schools were also transferred. The Board did not introduce specific evidence to establish the reasons for each individual staff member transferred from Truth and Healy. Even if the Board had introduced evidence that proved the Truth and Healy teachers were transferred for failing to implement the WSR model, it would not diminish the Hearing Examiner's findings of anti-union animus on the part of Trono when she identified her staff members to be transferred. A different principal recommended the transfers of the Truth and Healy teachers.

In the absence of exceptions, we adopt the Hearing Examiner's recommendation to dismiss the portion of the Complaint alleging that the Board violated 5.4a(1) and (5) when Trono dealt directly with unit members regarding the rate of pay for

participation in after-school clubs. We dismiss the Complaint as it relates to James Haggerty. We adopt the Hearing Examiner's recommendations on the remaining allegations and find that the East Orange Board of Education violated 5.4a(1) and (3) when it transferred teachers from Costley Middle School in retaliation for protected activity; and that the Board violated 5.4a(1) when Principal Amalia Trono repeatedly referred to Clarice Smith Jarvis as "sour juice" in front of Association members and in reference to her union activities; and when Trono intimidated Daniel Shoulars to write a letter to have Smith Jarvis removed as Association building representative; and by Trono summoning a particular Association representative, Marianne Lahr, to act as her witness at disciplinary meetings.

In the absence of exceptions and having found that Smith Jarvis was transferred in retaliation for protected activity, we adopt the Hearing Examiner's recommendation that the Board violated N.J.S.A. 34:13A-25 when it transferred Clarice Smith Jarvis from Costley to Garvin for disciplinary reasons.

ORDER

The East Orange Board of Education is ordered to:

A. Cease and desist from:

1. Interfering with, restraining or coercing employees in the exercise of rights guaranteed to them by the

Act, particularly by transferring Clarice Smith Jarvis, Rodney Beaver, Susan Rich, Carla Hinds, and Deborah Waters from John L. Costley School for appearing at a Board meeting in support of teacher Sharonda Allen; by Principal Amalia Trono repeatedly referring to Smith Jarvis as "sour juice" in front of Association members in reference to her activities as Association building representative; by Trono's soliciting and/or threatening teachers Darrell Shoulars and Monique Van Wells to write letters to Association President Greadington complaining about Smith Jarvis and to have her removed as Association building representative; and by Principal Trono's summoning a particular Association representative, Marianne Lahr, to act as her witness at disciplinary meetings with Irene Nowicki and Monique Van Wells.

2. Discriminating in regard to a term and condition of employment to discourage employees in the exercise of the rights guaranteed to them by the Act, particularly by transferring Clarice Smith Jarvis, Rodney Beaver, Susan Rich, Carla Hinds, and Deborah Waters from John L. Costley School for appearing at a Board meeting in support of teacher Sharonda Allen and, in the case of Smith Jarvis, because of her activities as Association building representative.

3. Transferring Clarice Smith Jarvis from John L. Costley School for disciplinary reasons.

B. Take the following action:

1. Immediately transfer Clarice Smith Jarvis to John L. Costley School.

2. Offer Rodney Beaver, Susan Rich, Carla Hinds and Deborah Waters the option to transfer immediately to John L. Costley School with the same responsibilities as they had immediately prior to the transfer.

3. Post in all places where notices to employees are customarily posted, copies of the attached notice marked as Appendix "A." Copies of such notice shall, after being signed by the Respondent's authorized representative, be posted immediately and maintained by it for at least sixty (60) consecutive days. Reasonable steps shall be taken to ensure that such notices are not altered, defaced or covered by other materials.

4. Within twenty (20) days of receipt of this decision, notify the Chairman of the Commission of the steps the Respondent has taken to comply with this order.

BY ORDER OF THE COMMISSION

Chairman Henderson, Commissioners Branigan, Buchanan, Fuller, Joanis and Watkins voted in favor of this decision. None opposed.

ISSUED: November 25, 2008

Trenton, New Jersey

**NOTICE TO EMPLOYEES**  
**PURSUANT TO**  
**AN ORDER OF THE**  
**PUBLIC EMPLOYMENT RELATIONS COMMISSION**  
**AND IN ORDER TO EFFECTUATE THE POLICIES OF THE**  
**NEW JERSEY EMPLOYER-EMPLOYEE RELATIONS ACT,**  
**AS AMENDED,**

**We hereby notify our employees that:**

WE WILL cease and desist from interfering with, restraining or coercing employees in the exercise of rights guaranteed to them by the Act, particularly by transferring Clarice Smith Jarvis, Rodney Beaver, Susan Rich, Carla Hinds, and Deborah Waters from John L. Costley School for appearing at a Board meeting in support of teacher Sharonda Allen; by Principal Amalia Trono repeatedly referring to Smith Jarvis as "sour juice" in front of Association members in reference to her activities as Association building representative; by Trono's soliciting and/or threatening teachers Darrell Shoulars and Monique Van Wells to write letters to Association President Greadington complaining about Smith Jarvis and to have her removed as Association building representative; and by Principal Trono's summoning a particular Association representative, Marianne Lahr, to act as her witness at disciplinary meetings with Irene Nowicki and Monique Van Wells.

WE WILL cease and desist from discriminating in regard to a term and condition of employment to discourage employees in the exercise of the rights guaranteed to them by the Act, particularly by transferring Clarice Smith Jarvis, Rodney Beaver, Susan Rich, Carla Hinds, and Deborah Waters from John L. Costley School for appearing at a Board meeting in support of teacher Sharonda Allen and, in the case of Smith Jarvis, because of her activities as Association building representative.

WE WILL cease and desist from transferring Clarice Smith Jarvis from John L. Costley School for disciplinary reasons.

WE WILL immediately transfer Clarice Smith Jarvis to John L. Costley School.

WE WILL offer Rodney Beaver, Susan Rich, Carla Hinds, and Deborah Waters the option to transfer immediately to John L. Costley school with the same responsibilities as they had immediately prior to the transfer.

CO-2006-153  
TI-2006-004

Docket No.

EAST ORANGE BOARD OF EDUCATION

(Public Employer)

Date: \_\_\_\_\_

By: \_\_\_\_\_

This Notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced or covered by any other material.

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Public Employment Relations Commission, 495 West State Street, P.O. Box 429, Trenton, NJ 08625-0429 (609) 984-7372