

Watchung Hills Regional Education Association

January 25, 2023

Dear WHRHS Community,

The Watchung Hills Regional Education Association began negotiating a contract for the 2022-2023 school year with the Watchung Hills Board of Education in November of 2021. Over a year later, negotiations are at a stand-still after the Board filed an unprecedented Unfair Labor Practice against the WHREA.

The WHREA negotiates with our bargaining council in which every member of the WHREA has a right to participate in negotiations as part of the WHREA's negotiations team. By emphasizing transparency and direct communication, WHREA members can attend meetings and provide essential information in real-time about how the Board's proposals can change working conditions specific to them.

However, the Board refuses to engage with the WHREA's bargaining council, something they see as an intimidation tactic, despite our comments and assurances otherwise. It is upsetting to think that Board members consider the presence of its teachers, aides, counselors, and staff is perceived as intimidating. Our primary concern is ensuring that our members' voices are heard and accounted for when negotiating the working conditions of the district. Dating back to the WHREA's initial use of the bargaining council during the negotiations for the 2019-2022 contract, the WHREA consistently demonstrated a willingness to compromise when it comes to the use and composition of its bargaining council at negotiations sessions. For example, we have offered putting a cap on the number of members in the Bargaining Council; what meetings they could attend; and whether the council's presence would be in the room itself or virtually. Members of the WHREA negotiations team met with the Board negotiations team in good faith to discuss these compromises and potential ground-rules without our bargaining council. The BOE responded to this act of good faith negotiations by filing their ULP in January 2022.

While the ULP is adjudicated by the Public Employment Relations Commission (PERC), negotiations have effectively been shut down by the Board. The faculty & staff began the 2022-2023 year without a new contract, leaving their salaries frozen at the previous contract's levels. This was made even more painful by record-breaking inflation not seen in over 40 years. The WHREA asked the Board for relief for the faculty & staff by initiating a practice known as Dynamic Status Quo, which would allow for faculty & staff salaries to move to the next level according to the last contract. This would represent an act of good faith by the Board in solidarity with the faculty & staff with such high inflation while we wait for the Board's ULP to be resolved. The Board refused.

At the [September 20th Board meeting](#), Mr. Peter Fallon insisted that having the bargaining council present during the 2019 contract negotiations did not yield fruitful results. In an [Echoes Sentinel article](#) published in October he stated that we should "simply use the same approach to bargaining that has resulted in reaching all of the previous contracts." Mr. Fallon's assessment of the WHREA bargaining council does not reflect the facts of what happened during the 2019 negotiations. He publicly states that he wants compromise and transparency, but the BOE's actions are an attempt to keep as many WHREA members out of the negotiating process as possible. During the 2019 contract negotiations, in which our bargaining council was present, WHREA members contributed valuable and immediate feedback that

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resulted in a settlement being reached in May 2019. With the bargaining council we were able to reach an agreement before the old contract expired; something that had not been achieved by the previous rounds of negotiations that had occurred without a bargaining council.

At the [January 17th BOE meeting](#), Mr. Fallon and the BOE responded to the [statement](#) read by WHREA President Greg O'Reilly on behalf of the membership. While the Board agreed with Mr. O'Reilly that the faculty & staff of Watchung Hills were professionals who are essential towards making the school one of the best in the state; however, much of this statement contains mistruths that distort past negotiations and the value of our bargaining council being part of the WHREA negotiations team. Mr. Fallon claimed that the established practice of our bargaining council is designed to stir up the rank-and-file members to intimidate the Board. The WHREA communicated consistently and frequently that the desire for a more democratic and transparent negotiations process comes from our members themselves. Our membership was made aware of the Board's ULP filing at our February 2022 Association meeting and asked if they wished to continue to pursue the right to participate in the bargaining council. They were informed that this would involve fighting the Board's ULP in PERC with filing our own ULP as well as take time for PERC to adjudicate this issue. Our members in attendance voted overwhelming "yes."

Mr. Fallon and the Board claimed that they offered a compromise by allowing WHREA members to view Board proposals a week before negotiation meetings. This is not a meaningful compromise as it fails to address our members' right to participate in the negotiations process as part of the Bargaining Council as well as arbitrarily prolonging the process. Mr. Fallon's belief that two-on-two meetings between representatives was the most effective method of negotiations throughout the 2019 negotiations session is not accurate. Interestingly, after a memorandum-of-agreement was reached between the Board and the WHREA in May 2019, it was delayed and undermined by Mr. Fallon, who held up the process of ratifying the WHREA's salary guides. At that point, he claimed that he would produce a different set of salary guides that should be considered; however, he failed to produce those guides until four months later. This delay was resolved when the WHREA membership determined to meet with the Board again to address salary guides in October 2019. These mistruths and delays contribute to why WHREA members want a more transparent process they can participate in.

The WHREA believes in the spirit of cooperative negotiations; we are disappointed by the Board's decision to not engage with us at this time and struggle to understand the rationale behind it. Our decision to include our bargaining council as part of our negotiations team—just as we did in the last round of negotiations—is both reasonable and fair. Accordingly, the WHREA has the right to select who can serve on our negotiations team. At a time when the education profession needs all stakeholders to work together more than ever, we continue to remain steadfast in our desire to resolve the contract negotiations with the Board, but we will not compromise our rights under law to do it.

In Solidarity,
The WHREA