

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

OLNEY CHARTER HIGH SCHOOL
and ASPIRA, INC. OF PENNSYLVANIA,
Joint Employers

and

Cases 04-CA-102148 and
04-CA-102957

ALLIANCE OF CHARTER SCHOOL
EMPLOYEES, LOCAL 6056, AFT-PA, AFT,
AFL-CIO

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT
AND NOTICE OF HEARING**

Alliance of Charter School Employees, Local 6056, AFT-PA, AFT, AFL-CIO, herein called the Union, has charged in Cases 04-CA-102148 and 04-CA-102957, that Olney Charter High School and Aspira, Inc. of Pennsylvania, herein called OCHS and Aspira, respectively, and herein also collectively called Respondents, have been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 *et seq.*, herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, **ORDERS** that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 04-CA-102148 was filed by the Union on April 5, 2013, and a copy was served by first class mail on Respondents on April 8, 2013.
- (b) The amended charge in Case 04-CA-102148 was filed by the Union on June 27, 2013, and a copy was served by first class mail on Respondents on June 28, 2013.
- (c) The charge in Case 04-CA-102957 was filed by the Union on April 16, 2013, and a copy was served by first class mail on Respondents on April 17, 2013.
- (d) The amended charge in Case 04-CA-102957 was filed by the Union on May 2, 2013, and a copy was served by first class mail on Respondents on May 3, 2013.

2. (a) At all material times, OCHS, a Pennsylvania corporation, under the aegis of the Pennsylvania Charter School Law, has operated a charter high school at 100 West Duncannon Avenue, Philadelphia, Pennsylvania, herein called the School.

(b) At all material times, Aspira, a Pennsylvania corporation with its principal place of business at 4322 North Fifth Street, Philadelphia, Pennsylvania, has been engaged in providing educational support services at charter schools in the Philadelphia area, including at the School.

(c) During the past year, Aspira, in conducting its business operations described above in subparagraph (b), received gross revenues in excess of \$500,000 and purchased and received goods and services valued in excess of \$5,000 directly from points outside the Commonwealth of Pennsylvania.

(d) At all material times, OCHS and Aspira have been parties to a contract providing that Aspira is OCHS' agent in connection with OCHS' operations at the School, including the employment of staff, labor relations and the administration of other terms and conditions of employment.

(e) At all material times, OCHS has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

(f) At all material times, Aspira has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

(g) At all material times, OCHS and Aspira have been joint employers of OCHS' teachers and staff at the School.

3. At all material times, the following individuals held the positions with Respondents set forth opposite their names and have been supervisors of Respondents within the meaning of Section 2(11) of the Act and agents of Respondents within the meaning of Section 2(13) of the Act:

Dr. Jose E. Lebron	-	Principal
Bridget Bujak	-	Assistant Principal
Lisette Agosto Cintron	-	Assistant Principal

4. (a) On or about February 20, 2013, Respondents, by Bridget Bujak, at the School: (1) interrogated an employee concerning the employee's Union sympathies; and (2) made an implied threat of unspecified reprisals in order to discourage the employee from engaging in Union activity.

(b) On or about February 22, 2013, Respondents, by Bridget Bujak, at the School: (1) interrogated employees concerning their Union activities; and (2) threatened that Respondents would enforce work rules more strictly and discipline employees if they were represented by the Union.

(c) On or about March 22, 2013, Respondents, by Jose E. LeBron, at the School, threatened that Respondents would “play hardball” because their employees were engaging in Union activity.

(d) On or about March 22, 2013, Respondents, by Jose E. LeBron, at the School, interrogated an employee concerning the Union activity and sympathies of Respondents’ employees.

(e) On two separate occasions on or about March 22, 2013, Respondents, by Lisette Agosto Cintron, at the School, threatened employees that Respondents would withhold a decision on the renewal of their contracts because Respondents’ employees were seeking Union representation.

(f) On or about March 22, 2013, Respondents, by Bridget Bujak, at the School, directed employees not to bother employees who were not interested in Union representation.

(g) On or about March 27, 2013, Respondents, by Bridget Bujak, at the School, interrogated an employee concerning the employee’s Union activity and sympathies.

5. (a) On or about April 11, 2013, Respondents issued a disciplinary “Record of Verbal Warning” to employee Amelia DeGory.

(b) Respondents engaged in the conduct described above in subparagraph (a) as part of their stated intention to “play hardball” if employees continued to seek Union representation, and in order to discourage other employees from engaging in Union or protected concerted activity.

6. By the conduct described above in paragraph 4, Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

7. By the conduct described above in paragraph 5, Respondents have been discriminating in regard to the hire or tenure or terms or conditions of employment of their employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

8. The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondents are notified that, pursuant to Sections 102.20 and 102.21 of the Board’s Rules and Regulations, they must file an Answer to the Consolidated Complaint. The Answer must be **received by this office on or before August 14, 2013, or postmarked on or before August 13, 2013.** Unless filed electronically in a pdf format, Respondents should file an original and four copies of the Answer with this Regional Office.

An Answer may also be filed electronically by using the E-Filing system on the Agency’s website. In order to file an Answer electronically, access the Agency’s website at

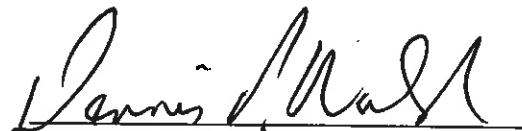
<http://www.nlr.gov>, click on the **File Case Documents** tab, and then follow the detailed instructions. The responsibility for the receipt and usability of the Answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than two (2) hours after 12:00 noon (Eastern Time) on the due date for the filing, a failure to timely file the Answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an Answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If the Answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of the Answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such Answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the Answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The Answer may **not** be filed by facsimile transmission. If no Answer is filed, or if an Answer is untimely filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that at **11:00 a.m.** on **October 15, 2013**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board in a hearing room of the National Labor Relations Board, Region 4, 615 Chestnut Street, 7th Floor, Philadelphia, Pennsylvania. At the hearing, Respondents and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Signed at Philadelphia, Pennsylvania on this 31st day of July, 2013.



DENNIS P. WALSH
Regional Director, Fourth Region
National Labor Relations Board

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Cases 04-CA-102148 and 04-CA-102957

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD
BEFORE THE NATIONAL LABOR RELATIONS BOARD
IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.