

Feb. 24, 1977

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LACONIA, NEW HAMPSHIRE SCHOOL DISTRICT	:	
	:	
and	:	CASE NO. <u>T-0239</u>
	:	
LACONIA EDUCATION ASSOCIATION, Affiliated with NHEA/NEA	:	77-07
	:	
	:	
	:	

BOARD DECISION

APPEARANCES: Representing the Laconia School Board

Harry S. Gale, Jr., Gale Associates, Windsor, Vermont
Robert Musgrove, Superintendent, Laconia School District

Representing the Laconia Education Association

Barbara J. Yentzer, Project Director, NHEA/NEA
Russell Dumais, UniServ Director, NHEA
Daniel Nason, Jr., President, Laconia Education Association

On January 28, 1976, request for certification of an existing employee representative in accordance with Section 490:3 of RSA 273-A, Laws of 1975, was filed with the Public Employee Labor Relations Board by the Laconia Education Association.

As PELRB had adopted the policy that in order to be recognized as the exclusive representative, a copy of the signed agreement, in force on December 21, 1975, date the new law, RSA 273-A, became effective, had to accompany request, petition from the Laconia Education Association for certification under the "Savings" Clause was denied.

On May 20, 1976, request for a Representation Election was filed by Daniel A. Nason, Jr., President of the Laconia Education Association for a bargaining unit consisting of all teachers, school librarians and guidance personnel of the Laconia School District.

On August 13, 1976, PELRB set 10:00 a.m., August 31, 1976 as the date for the pre-election conference to be held for all professional staff, excluding superintendent, assistant superintendents, principals and assistant principals in the Laconia School District. Conference to be held in the Superintendent's office, Harvard Street School, Laconia, New Hampshire.


Hearing Officer, Joseph B. Moriarty, heard testimony from all interested parties in attendance. Mr. Harry S. Gale, Jr., representing the School Board stated that the Laconia Education Association's request was untimely and unappropriate as an agreement had been reached with the understanding the Association would not have to be certified. The Laconia Education Association representatives stated it had been their intention to petition PELRB for an election which they had done last May 20, 1976.

Hearing Officer, Joseph B. Moriarty, recessed the conference and hearing was rescheduled for 3:30 p.m., Tuesday, September 14, 1976 in Room 306, Legislative Office Building, Concord, New Hampshire.

Hearing was held on September 14, 1976 with all members of the Public Employee Labor Relations Board in attendance. PELRB on September 14, 1976 ruled they would seek legal counsel to settle the issue of whether the Association could legally petition for the election.

BOARD ORDER

The Public Employee Labor Relations Board, after careful consideration, rules that the Laconia Education Association is within its right to request a representation election to determine the exclusive representative for the Laconia School District; and, the Public Employee Labor Relations Board will conduct an election at an early date.



EDWARD J. HASSEINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SIGNED THIS 24th DAY OF Feb., 1977.