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STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

COMPLAINANT:

ROCHESTER EDUCATION ASSOCIATION,
Affiliated with NHEA/NEA

and

RESPONDENT:

ROCHESTER SCHOOL BOARD
Rochester, New Hampshire

CASE NO. T-0211

APPEARANCES

ROCHESTER EDUCATION ASSOCIATION: Barbara J. Yentzer, Project Director, NHEA/NEA; Russell Dumais, UniServ Director, NHEA; Charles H. Perry, Past President, Rochester Education Association; and, Helen Yeaton, President, Rochester Education Association.

ROCHESTER SCHOOL BOARD: Robert E. Fisher, Attorney representing the School Board and Fred Steadman, Negotiating Team Member, Rochester School Board.

DETAILS OF CHARGE

The Public Employee Labor Relations Board has had consistent and recurring complaints concerning the activities of the School Board of Rochester, New Hampshire, especially concerning the actions of the Chairman of said Board. Specifically, charges have been made that the Chairman refused to sign a contract which was agreed upon by the teachers and the negotiating committee of the Board. In addition, complaints have been received that salary and benefits as provided in said contract were not paid; the decision of the Board dated June 29, 1976 that a mediator be appointed and consulted to resolve impasse in negotiations under the contract in force was ignored; the School Board refused to negotiate in good faith or attempt to reach agreement on the issues involved in a new agreement and generally failed to comply with the obligations to bargain in good faith contained in RSA Chapter 273-A. In addition, charges were made that the grievance procedure and sick leave policy stated in the contract have been ignored or intentionally changed by the Employer.

FINDINGS

Having considered these charges, taken testimony, and reviewed the actions of the parties, the Board finds as follows:

1. There has been ~~a consistent pattern of failure~~ by the Rochester School Board, especially evidenced by the actions of its Chairman, ~~to comply with the provisions of RSA Chapter 273-A:5 (1) (c) to bargain in good faith~~ with the teachers of the City of Rochester. This has included the failure to meet with mediators, to seriously discuss the issues involved in the contract, and to act in a manner conducive to productive negotiations.

2. Specifically, the School Board has ~~failed to comply with the terms of the contract to which it agreed~~, to sign said contract, to pay wages and benefits under said contract, all of which actions comprise unfair labor practices under the terms of RSA 273-A:5 (1) (h).

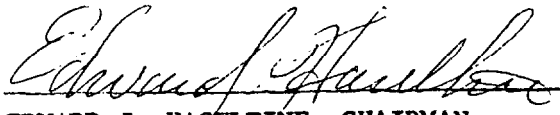
3. ~~No finding is made with regard to alleged violations of the grievance procedure or alleged unilateral changes in sick leave policy~~ since the Board has insufficient evidence to find a willful violation of the terms of the contract as to these charges.

ORDER

On the basis of the above findings and under the authority of RSA 273-A:6 (D), it is ordered that:

1. In all future negotiations the School Board of Rochester, New Hampshire ~~meet with and enter into good faith negotiations with the duly selected representatives of the teachers of the City and report progress to the Board by January 1st of each year~~

2. It is further ordered that in all instances in which the School Board failed to comply with the provisions of the contract as to wages and benefits, ~~it must pay such wages and benefits in compliance with said contract to the extent not previously paid.~~


EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 8th day of Feb, 19 77.

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