

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

77-48
AUG 9 2 1977

LACONIA SCHOOL DISTRICT,
LACONIA, NEW HAMPSHIRE

and

LACONIA EDUCATION ASSOCIATION,
Affiliated with NHEA/NEA

CASE NO. T-0239

APPEARANCES

Representing the Laconia School District:

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

Representing the Laconia Education Association:

Sally Potter, Project Director, NHEA/NEA
Daniel Nason, President, Laconia Education Association

Also in attendance for the School District: Cathy Conlee, Public Stenographer


FINDINGS

1. Order of the Public Employee Labor Relations Board in the above case, T-0239, dated February 24, 1977, concluded that the Laconia Education Association was within its rights in requesting an election for certification purposes.
2. Laconia School District by its representative, Harry S. Gale, Jr., on March 7, 1977 requested a rehearing on the cited order, ~~alleging denial by PELRB of due process~~ because of failure to hear the details of the Laconia School Board's evidence.
3. Request for rehearing granted and hearing date set for March 31, 1977.
4. The Laconia School Board by its representative, Harry S. Gale, Jr. alleged that the Laconia Teachers Association by virtue of having in force a negotiated agreement which was negotiated with the specific understanding that said contract had no reference to RSA 273-A and that the Association was barred from requesting and having a secret ballot election under RSA 273-A:10 for the purpose of gaining certification under 273-A with accompanying rights under 273-A:11.
5. All evidence and testimony considered indicated nothing to persuade the PELRB that its decision of February 24, 1977 was illegal or improper.
6. The fact that a negotiated contract is currently in force between the Laconia Teachers Association and the Laconia School Board does not appear to the Board to be a bar to the Teachers' Association's right for a representative election under RSA 273-A:10 . *crmf*

After considering all of the evidence and consultation with legal counsel, the Public Employee Labor Relations Board finds, as follows:

DECISION AND ORDER

PELRB hereby reaffirms its order issued February 24, 1977, Case No. T-0239 and grants the petition for certification election filed by the Laconia Teachers Association and orders an election to be conducted, as set forth in RSA 273-10, in September of 1977.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 22nd day of July, 1977

Unanimous decision of Board, July 11, 1977

In attendance: Chairman Edward J. Haseltine, Richard H. Cummings, Joseph B. Moriarty, and James C. Anderson. Absent: Board Member Edward L. Allman.