



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EXETER POLICE ASSOCIATION OF NEW  
HAMPSHIRE, INC.

and

TOWN OF EXETER, NEW HAMPSHIRE

CASE NO. P-0718:3

DECISION NO. 83-58

(Appeal of Decision No. 83-46)

#### ORDER DENYING PETITION

#### FOR REHEARING

On September 26, 1983, PELRB entered into a unanimous decision wherein it dismissed the complainant's (Exeter Police Association of New Hampshire) charge of unfair labor practice against the town of Exeter for failure to bargain in good faith, and dismissed the respondent's (Town of Exeter) cross-filing on the good faith question specifically relating to open negotiations and public statements.

Further, in their decision, PELRB ordered the parties to schedule a session no later than October 26, 1983 to negotiate ground rules for collective bargaining sessions and added that neither party could insist on open, or public, negotiations or statements thereon as a precondition for substantive negotiations if the other party did not consent; absent such an agreement, negotiation sessions were to be held in private.

David G. Engel, Counsel for the Board of Selectmen, on October 17, 1983 filed a motion for rehearing stating that PELRB was in error in prohibiting the parties from insisting on open sessions or statements as a precondition for subsequent negotiations in the absence of the consent of the other party; that the New Hampshire "Right-to-Know" Law, RSA 91-A, did not apply to collective bargaining; that such a prohibition was a violation of the provisions of 91-A, an unlawful and unwarranted restriction on the freedom of speech by enforcing a so-called "gag rule" on the parties, preventing the electorate from knowing what transpired in offers and counter-offers with regard to contracts when they, the public, ultimately had to fund through taxation, and had a very real interest in because of tax dollars spent and

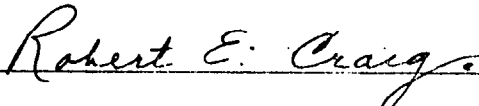
because they benefited from the quality services happy employees provided; also that the prohibition in PELRB's order violated and prohibited the very real need of the public to be informed regarding proposals in order to make informed decisions at town meetings.

Since the granting of a rehearing is a discretionary matter, PELRB carefully considered the issues raised and determined that all issues were discussed and ruled on at the May 12, 1983 hearing held in Concord.

PELRB therefore

ORDERS that the motion for rehearing be, and hereby is denied.

Dated this 15th day of November, 1983.

  
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ROBERT E. CRAIG, Chairman

By unanimous vote. Chairman Robert E. Craig presiding, members Seymour Osman and James C. Anderson present and voting. Also present, Executive Director, Evelyn C. LeBrun.



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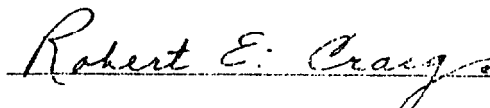
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