

State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GROVETON TEACHERS ASSOCIATION, NEA-NH

 Petitioner

 v.

GROVETON SCHOOL BOARD

 Respondent

CASE NO. T-0268:6

DECISION NO. 85-81

APPEARANCES

Representing the Groveton Teachers Association, NEA-NH

John Fessenden, UniServ Director, NEA-NH

Representing the Groveton School Board

Charles Micciche, Superintendent, SAU #36

BACKGROUND

On October 9, 1985, the Groveton Teachers Association filed with the Board a Petition for Declaratory Judgment asserting that the Groveton School Board is in violation of RSA 273-A:5 (e), (g), (h), (i), and, RSA 273-A:12, III. In that the Groveton School Board has refused to call a special school district meeting to act upon a factfinder's report submitted by factfinder, Bruce Fraser.

Specifically says the Association this is in violation of RSA 273-A:12, III, "if either the full membership of the employee organization or the board of the public employer rejects the neutral party's recommendations, his findings and recommendations shall be submitted to the legislative body of the public employer, which shall vote to accept or reject so much of his recommendations as otherwise is permitted by law."

The Association acted to accept the factfinder's report and the School Board acted to reject the factfinder's report.

The Association further charges that the collective bargaining agreement requires good faith negotiations and the School Board has refused to negotiate any cost figure above the 1984/85 contract school year. By refusing to negotiate and to submit to the legislative body

the cost figure, the School Board is repudiating a portion of the contract. The Association further asserts that the previous two contracts have both required a special school district meeting, which meetings were held in August of 1983 and January of 1985. On both of these occasions, the public accepted the factfinder's report over the objection of the School Board. The School Board is now going against their own established past practice by refusing to request a special school district meeting.

A hearing on the declaratory judgement petition was ordered at the PELRB's office in Concord, N.H. on Tuesday, October 15, 1985 with all parties represented. The hearing on the declaratory judgement was heard under procedure for hearing officer with PELRB Chairman Craig sitting as hearing officer in the case.

FINDINGS OF FACT AND RULINGS OF LAW

At hearing it was established that the following factual sequence of events has taken place within the district:

Negotiations for the current contract, (1985-1986) began in February of 1985, continued through March of 1985, reached an impasse and subsequently on June 28th went to factfinding. In August of 1985 the factfinder's report became available recommending a two-year contract. The teachers association subsequently agreed to the factfinder's report and the School Board subsequently rejected the factfinder's report.

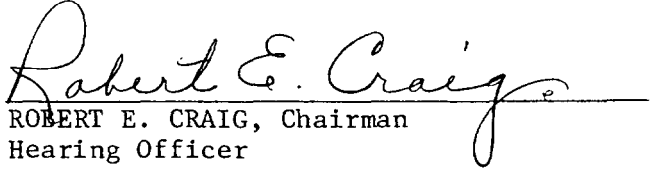
At the same time the superintendent of schools appearing for the Northumberland School Board pointed out that the voters, at their regular school district meeting in March, passed two advisory motions relative to the school district. One motion indicated that the voters were advising the School Board that they prefer to freeze on the teachers' salaries for 1985/86 as well as other school district employees frozen at the 1984/85 level. In another advisory motion the voters advised the School Board not to hold a special school district meeting once negotiations were settled and asked them to present any settlement reached at the March 1986 school district meeting. Exhibits supporting these advisory motions were introduced by the representative of the Northumberland School Board.

In addition, the superintendent introduced the minutes of the October meeting of the Northumberland School Board indicating that the School Board has agreed with the voters of the Town not to call a special school meeting unless ordered to do so by the N.H. PELRB. In addition, a copy of the factfinder's report was submitted to the PELRB for whatever benefit it may be.

It is the ruling of the hearing officer at the requirement of RSA 273-A:12, III, is that whenever practical the factfinder's report must be submitted for a vote to the legislative body of the public employer. In this case to the voters of the school district and that the School Board does not have the authority to stay the submission of the factfinder's report for as long a period of time as the next duly constituted school district meeting in March of 1986, some six months after the issuance and action by the parties on the factfinder's report.

DECISION AND ORDER

It is the decision of the hearing officer that a special school district meeting must be called to submit to it the factfinder's report issued by Mr. Bruce Fraser in August of 1985 for the purpose of having the legislative body of the public employer to vote on said recommendations. It is the order of this Board that the Northumberland School Board take steps necessary to hold an immediate school district meeting to act upon the factfinder's report in a manner prescribed by RSA 273-A.


ROBERT E. CRAIG, Chairman
Hearing Officer

Signed this 21st day of October, 1985.