



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GORHAM TEACHERS ASSOCIATION, NEA-NH

Petitioner

v.

GORHAM SCHOOL DISTRICT

Respondent

CASE NO. T-0276:2

DECISION NO. 86-45

ORDER DENYING MOTION

FOR REHEARING

On May 20, 1986, PELRB vacated its original decision and order in the above case involving the non-renewal of teacher Conrad Graham and the timeliness of the grievance.

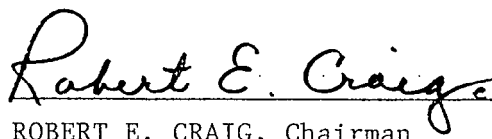
Upon rehearing the matter, PELRB found that the Association had failed to file a timely grievance and therefore could not compel arbitration under the provisions of the applicable 1981-84 contract grievance procedure. It further ordered the Gorham Teachers Association to withdraw permanently its request for arbitration.

The Association on June 9, 1986 filed a motion for rehearing on the basis that "preliminary and procedural matters relating to the processing of grievances are questions for an arbitrator to decide" (Southwestern Transp. Co. v. Durham, 102 N.H. 169, 178 -1959) and that PELRB erred in deciding the matter should not proceed to arbitration on the basis of "procedural" arbitrability questions.

PELRB reviewed the evidence presented at the original hearing and at the rehearing (Decision Nos. 86-04 and 86-33) and reaffirms its last decision calling for permanent withdrawal of the request for arbitration.

Motion for rehearing is hereby DENIED.

Signed this 30th day of June, 1986.



ROBERT E. CRAIG, Chairman

By unanimous decision. Chairman Craig presiding, members Roulx, Osman and Toomey present and voting. Also present, Executive Director Evelyn C. LeBrun