

FINDING OF FACT

1. A contract between the parties is currently in effect covering the period July 1, 1983 to June 30, 1986, and is self-renewing and remains in effect.
2. The parties entered negotiations for a successor contract and agreed to a set of ground rules (dated March 12, 1986).
3. Ground rule No. 2 states: "Each side agrees and acknowledges that discussions during negotiation sessions are confidential, and any press release concerning any aspect of contract negotiations is to be jointly agreed upon, in writing, prior to release."
4. The parties negotiated from March of 1986 to May 21, 1986 at which point impasse was declared and mediation was scheduled (and held) on June 30, 1986.
5. The Association's Representative and the President of the local Police Association did talk to certain press people and were quoted in the press, which they did not deny.
6. Any statements made to the Press would be covered by the strict admonitions of the ground rule: "...any aspect...".

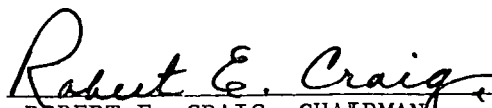
RULINGS OF LAW

The question is whether or not the ground rules were in effect when the statements were made to the press. We think not. When the impasse was declared the direct negotiations between the parties ceased and other means were begun. The negotiations process contains several stages:

(As clearly recognized by RSA 273-A) direct negotiations between the parties, negotiations through a mediator third party and finally a hearing and recommendation from a third party fact-finder. Once impasse has been declared, any agreement on ground rules covering the direct negotiations is no longer in effect and parties may make public statement. It might be possible to have ground rules to cover the direct negotiations and subsequent stages of the negotiations process but such was not the case here since the ground rules clearly cover the "collective bargaining negotiations."

DECISION AND ORDER

The PELRB declines to find an Unfair Labor Practice in this case and orders the parties to continue with the negotiation process.


ROBERT E. CRAIG, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATION BOARD

Signed this 12th day of September, 1986.

By unanimous vote. Robert E. Craig, Chairman presiding. Members Seymour Osman and Dan Toomey present and voting. Also present Executive Director, Evelyn C. LeBrun