



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONCORD EDUCATION OFFICE PERSONNEL/
NEA-NEW HAMPSHIRE

Complainant

v.

CONCORD SCHOOL BOARD

Respondent

CASE NO. M-0504:13

DECISION NO. 91-44

APPEARANCES

Representing Concord Education Office Personnel/NEA-NH:

Wally Cumings, UniServ Director

Representing Concord School Board:

Mark Welzenbach, Esq., Counsel

Also appearing:

- Barbara Kuhlman Brown, C.U.S.D.
- Sally Doane, C.E.O.P.A.
- Jeanine Poole, C.U.S.D.
- Judy Faulkner, C.E.O.P.A.
- Angie Carter, C.E.O.P.A.
- Pearl L. Deschenes. C.E.O.P.A.
- Linda Labbe, C.E.O.P.A.
- Mary Miller, C.E.O.P.A.
- Cheryl Miner, C.E.O.P.A.
- Clint Jones, C.E.A.
- Thomas McGahan, C.U.S.D.

BACKGROUND

On November 21, 1988 Concord Education Office Personnel/NEA-New Hampshire (CEOPA) filed an unfair labor practice charge against the Concord School Board (Board) alleging the School Board failed to bargain in good faith with respect to its actions in presenting and withdrawing certain offers at the bargaining table and further the Board's refusal to negotiate an item of retroactive pay.

Hearing was held at the PELRB office in Concord, New Hampshire on June 27, 1991 with all parties present.

Both parties presented opening statements a summation of their respective positions. The Chief Negotiator for CEOPA offered testimony as to the various negotiation meetings and the results thereof.

Offered in evidence was a new proposal never before introduced at the negotiating table adopted by the Board at a night meeting on June 26, 1991 this proposal deals directly with the subject matter of this hearing, (retroactive pay) and had been presented to the Education negotiating representative early on June 27, 1991 just prior to this hearing.

DECISION AND ORDER

PELRB recessed the hearing and returned with the following verbal decision in the case before us:

1. It appears to the PELRB that negotiations in this case have been stonewalled in view of the fact that this case has been the subject of several mediation and factfinding attempts without resolution of the issues.
2. The introduction in evidence of a counter-proposal (a new proposal on the issues before the PELRB) on such a short notice without it having been presented to the opposing parties at a reasonable time might be considered a potential ULP.
3. PELRB is hereby recessing this meeting without further hearing, but maintains jurisdiction and orders the parties to conduct two negotiation sessions during the month of July, 1991 the results of these sessions will be reported in writing to the PELRB.

Signed this 27th day of June, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.