

## **State of New Hampshire**

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EXETER EDUCATION ASSOCIATION,

Complainant

CASE NO. T-0412:1

v.

DECISION NO. 97-051

SAU #16, EXETER REGIONAL COOPERATIVE SCHOOL BOARD

NEA-NEW HAMPSHIRE

Respondent

## MOTION TO STAY PENDING APPEAL TO THE SUPREME COURT

The Board, meeting at its offices in Concord, New Hampshire, on May 6, 1997, took the following actions:

- It reviewed the Cooperative School Board's Motion to Stay Pending Appeal to the Supreme Court as filed April 4, 1997 and objections thereto filed by the Exeter Education Association on April 14, 1997.
- 2. It examined the Association's Petition for Declaratory Judgment filed on July 2, 1996, the answer filed by the Cooperative School District filed on July 24, 1996, and the decision of the hearing officer (Decision No. 97-008) in this matter dated February 18, 1997, noting, in particular, that this is a declaratory judgment proceeding in which operative dates for the district relating to the employees in question had yet to occur and in which no elements of affirmative compliance had been directed or ordered.
- 3. It noted that the Cooperative School Board had moved

for reconsideration of the hearing officer's decision by the full PELRB on March 6, 1997, that the Association objected thereto by a filing on March 10, 1997, and that that reconsideration was denied on March 21, 1997 in Decision No. 97-035.

4. It DENIED the Motion to Stay Pending Appeal to the Supreme Court because the cooperative school district is not set to "assume operating responsibility until July 1, 1997" (Finding No. 4, Decision No. 97-008) and because these proceedings have been pursuant to a declaratory judgment petition under which the parties have not been ordered or directed to conform or comply with any corrective measures.

So ordered

Signed this 8th day of May, 1997.

EDWARD J. HASELTINE

Chairman

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