



State of New Hampshire
Public Employee Labor Relations Board

**Goshen Lempster Education Association, NEA-NH
and
Goshen Lempster Cooperative School District
Case No. E-0169-1**

**Goshen Lempster Education Support Personnel, NEA-NH
and
Goshen Lempster School District
Case No. E-0063-2
Decision No. 2015-064**

Order

On March 10, 2015 the Goshen Lempster Education Association, NEA-NH (GLEA) and the Goshen Lempster Education Support Personnel, NEA-NH (GLESP) filed a petition for declaratory ruling. The PELRB certified the GLEA as the exclusive representative of the full and part time teachers of the Goshen Lempster Cooperative School District on September 16, 1991 and certified the GLESP as the exclusive representative of paraprofessionals and custodians of the Goshen Lempster School District on July 15, 2008. Effective July 1, 2015 the Goshen Lempster Cooperative School District and School Board will dissolve, and will be succeeded by the Lempster School District and School Board (the District). The filing of the declaratory ruling petition was prompted by a dispute between the parties over the status of the existing bargaining agents, units, and collective bargaining agreement on July 1, 2015.

The GLEA and GLESP argue that the District is obligated under applicable law to recognize the bargaining units, the GLEA and the GLESP as their exclusive representative, and the existing collective bargaining agreements. The GLEA and GLESP rely on the fact that they have already been duly certified pursuant to the relevant provision of the Public Employee Labor

Relations Act (the Act), that any differences in operations and personnel pre and post July 1, 2015 are, in effect, legally insignificant, and that under *Appeal of SAU #16, Cooperative School Board*, 143 N.H. 97 (1998), the District must recognize the bargaining agents, units, and collective bargaining agreement(s).


The District acknowledges its' status as a "successor employer" but insists that given the impending dissolution of the existing school district and school board, and under the strict requirements of the Act, both the GLEA and the GLESP must once more be duly certified by the PELRB through a secret ballot election to have legal status under the Act as exclusive representatives of the respective bargaining units.

The parties attended a case conference at the PELRB on April 1, 2015 to review the issues raised by the petition and have since filed a stipulation requesting that the PELRB resolve this matter through the conduct of secret ballot elections during this liminal period. The District stipulates that in the event the GLEA and the GLESP are elected then the District will recognize the GLEA and the GLESP as the duly certified bargaining agents of the bargaining units, and the "District shall maintain working conditions as established and set forth in the collective bargaining agreements...pending the negotiation of new agreements."

The parties' stipulation is approved as it provides for a resolution of the current disagreement in a manner that is consistent with applicable law. The approval of the stipulation is not, however, the equivalent of a ruling or finding in favor of either party as to the merits of the respective legal positions. Accordingly, the PELRB will issue appropriate orders of election and a pre-election conference will be scheduled forthwith.

So ordered.

Date: 4-20-2015


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