



State of New Hampshire
Public Employee Labor Relations Board

Geri Lawton et al.

and

John Stark Regional School District, SAU #24

and

John Stark Support Personnel Association/NEA-New Hampshire

Case No. E-0124-3

Decision No. 2017-045

Order

On March 1, 2017 certain employees of the John Stark Regional School District, SAU #24 (District) filed a decertification petition seeking a secret ballot election to determine whether the John Stark Support Personnel Association/NEA-New Hampshire (Association) will continue as the certified exclusive representative of a bargaining unit consisting of certain support staff employees of the District. See PELRB Decision No. 2012-202 (August 28, 2012). The Association objected to the petition and requested dismissal on the ground that "the current collective bargaining agreement (CBA) bars any consideration of decertification at this time" under Pub 301.01.

The PELRB administrative rule Pub 301.03 governs decertification proceedings and provides in relevant part that a "petition for decertification alleging that the members of a bargaining unit no longer wish to be represented by the employee organization presently representing them shall ... be treated in the same fashion as a petition filed under Pub 301.01." Pub 301.03 (a). Under Pub 301.01 (a), a representation election petition involving a bargaining unit, for which a collective bargaining agreement constituting a bar to election under RSA 273-

A:11, I (b) presently exists, "shall be filed no more than 240 days and no less than 180 days prior to the budget submission date of the affected public employer in the year that agreement expires ..." RSA 273-A:11, I provides:

Public employers shall extend the following rights to the exclusive representative of a bargaining unit certified under RSA 273-A:8 ...

(b) The right to represent the bargaining unit exclusively and without challenge during the term of the collective bargaining agreement. Notwithstanding the foregoing, an election may be held not more than 180 nor less than 120 days prior to the budget submission date in the year such collective bargaining agreement shall expire.

In this case, the Association and the District are parties to a CBA which has the effective dates of July 1, 2016 through June 30, 2019.¹ See March 1, 2017 Petition for Decertification and March 13, 2017 Amended Exceptions. This CBA constitutes a bar to election under RSA 273-A:11, I (b). See *April Tellier et al. and United Electrical, Radio and Machine Workers of America and Grafton County Nursing Home*, PELRB Decision No. 2011-107 (April 12, 2011). Based on the District's February 1 budget submission date,² a petition for decertification should be filed no more than 240 days and no less than 180 days prior to the February 1, 2019 budget submission date, i.e. not earlier than June 6, 2018. Therefore, this petition was filed prematurely.

For the foregoing reasons, the petition for decertification is dismissed.

So ordered.

Date: 3/17/2017


Karina A. Lange, Esq.
Staff Counsel/Hearing Officer

Distribution: Geri Lawton, Administrative Assistant
Dr. Lorraine Tacconi-Moore, Superintendent
Robert Whitehead, UniServ Director, NEA-NH

¹ The parties' 2016-2019 CBA is on file with the PELRB pursuant to RSA 273-A:16, I.

² RSA 273-A:1, III provides in relevant part that "'Budget submission date' means the date by which, under law or practice, the public employer's proposed budget is to be submitted to the legislative or other similar body of the government ... for final action. In the case of a town, school district or supervisory union it means *February 1* of each year..." (Emphasis added).