

Nashua Teachers' Union, Local 1044, American federation of Teachers, AFL-CIO v. Mayor and Board of Aldermen, City of Nashua, Decision No. 2008-213 (Case No. E-0001-3).

Background: The union filed a petition for declaratory ruling concerning whether the manner in which the city's mayor and board of aldermen received and acted upon cost items contained in collective bargaining agreements (CBAs) complied with the requirement of RSA 273-A:3, II (c). The city responded that contract cost items were submitted to the board of aldermen within 30 days of negotiated CBAs and the board of aldermen voted to accept or reject the cost items within 30 days of submission. The dispute between parties involved the meaning of the term "submission" under RSA 273-A:3, II (c). The union contended that "submission" occurred when a tentative CBA containing cost items was transmitted to a city representative or the legal department. The city argued that "submission" occurred when the cost items contained in a tentative CBA were presented in the form of a resolution prepared by the city's legal department to the board of aldermen at a full board meeting.

Decision: The PELRB concluded that the city's procedures for transmission and approval of cost items contained in a CBA complied with the two 30 day time periods imposed by RSA 273-A:3, II (c). The PELRB found that the board of aldermen's receipt at a full board meeting of a resolution addressing the negotiated cost items upon which they could act constituted the "submission" required within the first 30 days time period and that the procedure did not violate the statute as long as it was completed within 30 days of the date the tentative CBA was negotiated. The PELRB also found that the date the board of aldermen received the resolution at a full board meeting was when the second 30 day statutory time period began to run.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.