

Matthew Kennedy and the Hinsdale Federation of Teachers v. Hinsdale School District,
Decision No. 2010-045 (Case No. E-0029-4)

Background: The complainants filed an unfair labor practice complaint claiming that the District violated RSA 273-A:5, I (a), (c), (e) and (h) by non-renewing Mr. Kennedy as a high school band program teacher in retaliation for his union activity, by violating the District's reduction-in-force policy and by outsourcing the high school's band program. The respondent denied the charges and filed two motions to dismiss claiming that the retaliation charge was precluded because the complainants already litigated the issue of non-renewal and it had been decided by the State Board of Education and that the PELRB lacked jurisdiction to hear the reduction-in-force claim because this case involved non-renewal, not a reduction in force, and because the complainants failed to exhaust the contractual remedies.

Decision: The PELRB denied the motion to dismiss the retaliation claim and granted the motion to dismiss the reduction-in-force claim finding that the termination of Mr. Kennedy's employment was a non-renewal and not a reduction in force. The PELRB denied the complainants' claims finding that the evidence was insufficient to establish that the non-renewal was caused by anti-union animus or was in retaliation for union activity and that the elimination of the high school band program and an agreement with other school to accommodate the District's band students constituted an impermissible outsourcing.

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.