

Education Association of Pembroke v. Pembroke School District, Decision No. 2010-241 (Case No. E-0088-02).

Background: The Union filed an unfair labor practice complaint claiming that during collective bargaining in 2009 and 2010 the District violated RSA 273-A:5, I (a), (e) and (g) when it proposed that the parties identify increases set forth in the contractual wage schedule as cost of living adjustments and not a pay plan subject to continuation under RSA 273-A:12 (“evergreen statute”); characterized its proposal as a “deal breaker” and presented it in inappropriate manner; and proposed to change a health care plan to a plan available through the Local Government Center given one school board member’s status as a board member of the Center and this individual’s service on the District’s negotiating team. The District denies the charges and claimed that its conduct during collective bargaining was proper and that its bargaining proposals concerning cost of living adjustments were legitimate efforts to address and mitigate the costs of RSA 273-A:12 on the District.

Decision: The PELRB found that the District failed to bargain in good faith in violation of RSA 273-A:5, I (e) because of the manner in which it presented and maintained its cost of living adjustments proposal, a non-mandatory subject of bargaining. The Union’s claims based upon school board member’s demeanor and behavior during negotiations and his status as a board member of the Local Government Center Health Insurance Trust were denied.

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.