

Winnisquam Regional School District v. Winnisquam Regional Teachers Association, NEA-NH, Decision No 2012-130 (Case No. E-0122-1).

Background: The District filed an unfair labor practice complaint on October 21, 2011 claiming that the Association violated RSA 273-A:5, II (f) when it filed a demand to arbitrate a grievance concerning a new professional staff evaluation plan (PSEP). The District argued that under the parties' collective bargaining agreement (CBA), the District's decision to approve and adopt a new PSEP qualified as managerial prerogative or policy that was expressly excluded from grievance arbitration. The Union denied the charge and asserted that the PSEP was developed in accordance with the CBA, required the approval of both the District and the Union, and was subject to the contractual grievance procedure.

Decision: The PELRB sustained the complaint and ordered the Union to cease and desist from its demand for arbitration. The Association violated RSA 273-A:5, II (f) when it filed a demand to arbitrate a grievance concerning the District's approval and adoption of a new PSEP because the District's action was specifically excluded from grievance arbitration pursuant to Article IX of the CBA.

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.