

Manchester Education Association/NEA v. Manchester School District, Decision No. 2016-146 (Case No. E-0140-3).

Background: The Union filed an unfair labor practice complaint claiming that the District violated RSA 273-A:5, I (a), (d), (g), & (h) when it wrongfully refused to arbitrate the separation of a teacher from the employment. The Union claimed that the District's characterization of termination as a "non-renewal" under RSA 189:14-a was factually incorrect and legally invalid because the District took significant and adverse personnel action against the employee during the 2014-15 school year culminating in his termination. The Union asserted that the District later converted the termination into non-renewal in an attempt to evade its obligation to arbitrate the employee's termination. The District countered that (1) it legitimately proceeded with an RSA 189:14-a non-renewal based upon the results of an additional investigation; 2) the non-renewal decision was not subject to grievance arbitration; 3) the PELRB did not have jurisdiction over any RSA 189:13 or RSA 189:14-a claims; 4) the sole remedy available to the employee was an appeal to the State Board of Education per RSA 189:14-b; 5) the employee failed to exhaust available remedies because he did not appeal his non-renewal to the State Board of Education; 6) the complaint failed to state a claim upon which relief can be granted and was untimely under the six months limitation period set forth in RSA 273-A:6, VII.

Decision: The employee's separation from District employment was, in fact, a termination which the District attempted to reclassify as a non-renewal and that the District's refusal to proceed with grievance arbitration constituted an unfair labor practice because it could not be found, with positive assurance, that the parties' collective bargaining agreement was not susceptible of an interpretation that covered the disputed personnel action. The District was ordered to proceed to grievance arbitration as demanded by the Union.

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.