

**Sugar River Education Association, NEA-NH v. Claremont School District**, Decision No. 2016-161 (Case No. E-0188-2).

**Background:** This matter was the second of two related unfair labor practice cases filed by the Union involving arbitration over the District's unilateral change from a block schedule to an A/B schedule. In the first case, the Union charged that the District had improperly failed to comply with a binding arbitration award in which the arbitrator found that the schedule change violated the parties 2014-17 collective bargaining agreement. Subsequently, the parties agreed to return to arbitration over the issue of remedy. In the second arbitration, the arbitrator ordered the District to revert to the prior block schedule for school year 2016-17 and to pay teachers an additional 8% of their salary for the increased teaching workload. The School Board announced that it still would not return to the block schedule and the Union filed the second unfair labor practice complaint claiming that the District's refusal to comply with the second arbitration award violated RSA 273-A:5, I (a), (e), (g), (h), and (i).

The Union also filed a motion for an immediate cease and desist order claiming one was necessary to ensure the block schedule was in place for the upcoming 2016-17 school year. The District objected to the Union's motion for a cease and desist order. The District asserted, among other things, that schedules were a prohibited subject of bargaining under RSA 189:1-a, II and it was a violation of public policy for the PELRB to enforce the arbitrator's award requiring the District to revert to the block schedule.

**Decision:** The Board found that teaching schedules were not a prohibited subject of bargaining and there was no "strong and dominant public policy as expressed in controlling statutes, regulations, common law, and other applicable authority" to justify non-compliance with arbitration award. The Union was entitled to the benefit of the full remedy ordered by the arbitrator and that, in the circumstances of this case, granting the Union's motion was in the public interest and would avoid prejudice to the Union. The Union's motion for a cease and desist order was granted and the District was ordered to take all necessary steps to revert to the block schedule for the 2016-17 school year.

***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.***