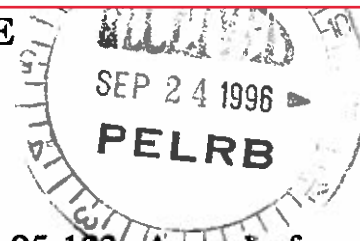


Appeal of Bruce Buttrick, Supreme Court No. 95-168 and
Appeal of Hillboro-Deering Cooperative Sch District,
Supreme Court No. 95-183 (September 20, 1996). Vacates
& remands PELRB Decision No. 1994-105.

THE STATE OF NEW HAMPSHIRE
SUPREME COURT



In Case Nos. 95-168, Appeal of Bruce Buttrick, and 95-183, Appeal of Hillsboro-Deering Cooperative School District, the court upon September 20, 1996, made the following order:

Having considered the briefs and oral arguments of the parties, the court concludes that a formal written opinion is not necessary for the disposition of this appeal. The public employee labor relations board (PELRB) failed to apply the proper legal standard in determining that an unfair labor practice occurred. Accordingly, we vacate the PELRB's decision and remand for application of the proper test, which is set forth in Appeal of Professional Firefighters of East Derry, 138 N.H. 142, 144-45 (1993).

We further note that in his brief, Mr. Buttrick states that he does not dispute that the PELRB's award of back pay is unclear and that a rehearing on the matter of damages and reinstatement would be appropriate. Should the PELRB find after application of the proper legal standard that an unfair labor practice occurred, it shall consider all arguments presented by the parties concerning the appropriate relief to be awarded.

Vacated and remanded.

Distribution:

Margaret-Ann Moran, Esquire
Nancy Richards-Stower, Esquire
Mr. Bruce Buttrick

Attorney General

NH Public Employee Labor Relations Board 94-105, 95-11

Donna Nadeau, Supreme Court
File

Howard J. Zibel,
Clerk