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JUL 13 1976

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

_____ :
COMPLAINANT: :
 Rochester Education Association :
 Affiliated with NHEA/NEA :
 and :
RESPONDENT: :
 Rochester School Board :
 Rochester, New Hampshire :

CASE NO. T-0211

Decision # 76-14

APPEARANCES

ROCHESTER EDUCATION ASSOCIATION: Barbara J. Yentzer, Project Director NHEA/NEA; Russell Dumais, Executive Director, Region I, NHEA/NEA; Charles H. Perry, Past President, Rochester Education Association; and, Helen Yeaton, President, Rochester Education Association

ROCHESTER SCHOOL BOARD: Robert E. Fisher, Attorney representing the School Board and Fred Steadman, Negotiating Team Member, Rochester School Board

DETAILS OF CHARGE

1. Pursuant to RSA 273-A:3-1 and 5-1(e), (g), and (h), the Charging Party hereby alleges that the above named Respondent has engaged in unfair labor practices.
2. The PELRB accepted for hearing on February 12, 1976 a charge of unfair labor practice filed by the Rochester Teachers Association, represented by Jack B. Middleton, Attorney.

Testimony was heard from Jack B. Middleton, Attorney and from Robert E. Fisher, Attorney representing the Rochester School Board.

Due to time element in notice of hearing to the Public Employer, PELRB granted a continuance to 10:00 a.m., Thursday, February 19, 1976; hearing to be held in Room 100, State House, Concord, New Hampshire

3. PELRB on February 19, 1976 heard oral testimony and accepted written briefs.

After reviewing all submissions, PELRB recommended that both the Rochester School Board and representatives of the Rochester Teachers Association return to the negotiating table and try to resolve the differences. Both parties agreed to the recommendation of PELRB and did, in fact, return to the negotiating table.

Meetings between the parties were held on March 3, 10, 17, 24 and April 7, 1976 with no apparent resolution of the problems under negotiations.

4. On May 20, 1976, Attorney Jack B. Middleton filed with PELRB a statement alleging unfair labor practice in the Rochester, New Hampshire School Board by refusing to consider mediation as required under Section 2.8 of the contractual agreement.
5. Hearing on the refusal to mediate was held on June 29, 1976 in Room 200, Ramada Inn, Dover, New Hampshire at which time testimony was heard from Barbara J. Yentzer, Russell Dumais, Charles Perry representing the teachers association and Robert E. Fisher, Attorney and Fred Steadman representing the School Board.

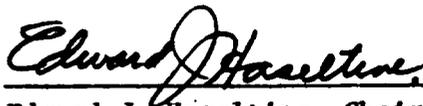
DECISION AND ORDER

After careful consideration of all the evidence presented, PELRB finds that an impasse exists and the Rochester School Board ~~has engaged in unfair labor practices prohibited under RSA 273-A:5, Paragraph 1(d), (e), and (h) by refusing to accept mediation as specified in the existing contract,~~ quoted below:

"2.8 If impasse is declared, the Federal Mediation and Conciliation Service shall be the agency contacted to provide a mediator."

It is, ~~therefore, ordered~~ by the Public Employee Labor Relations Board that the Rochester School Board comply with paragraph 2.8 of its contract with the Rochester Education Association and accept Federal Mediation.

Dated this 29th day of June, 1976.



Edward J. Haseltine, Chairman