

STATE OF NEW HAMPSHIRE  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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|----------------------------------|---|---------------------------|
| ORFORD TEACHERS' ASSOCIATION,    | : |                           |
| Affiliated with NHEA/NEA         | : |                           |
|                                  | : |                           |
| Complainant                      | : |                           |
|                                  | : | CASE NO. <u>T-0206:3</u>  |
| and                              | : |                           |
|                                  | : |                           |
| ORFORD BOARD OF SCHOOL DIRECTORS | : | DECISION NO. <u>79027</u> |
| AND DR. HUGH WATSON, IN HIS      | : |                           |
| CAPACITY AS SUPERINTENDENT       | : |                           |
|                                  | : |                           |
| Respondent                       | : |                           |

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APPEARANCES

Representing the Complainant, Orford Teachers' Association:

Kathleen Duranty, President  
John Fessenden, UniServ Director, NHEA/NEA  
Barry LeBarron  
Robert Chappelle

Representing the Respondent, Orford Board of School Directors:

William Kingston, Consultant  
Hugh Watson, Superintendent  
Robb Thomson, Chairman of the Board

BACKGROUND

Pursuant to RSA 273-A and the Board's Rules and Regulations, a hearing was held on May 3, 1979 in the above case involving an alleged charge of unfair labor practices contrary to the provisions of 273-A:5, I (e), (g) and (i) by giving information of an erroneous nature on the fact-finder's report to the "Valley News", a daily newspaper, presenting said report at the school district meeting and requesting it be turned down.

The complainant attempted to show that the fact-finder's report recommended a 5% increase, that the Board of Directors reported the recommendations as a 9.6% increase and that the manner of presentation caused defeat of the report. By its action, the complainant sought the establishment of fair and standard procedures by the Labor Board for future presentation of fact-finding reports to the voters, or legislative body, in a mutual fashion.

The respondents denied the allegations of the complainant and elaborated on the procedures and manner in which the report was presented to the voters.


Oral and written evidence was offered. Among exhibits presented were various letters of correspondence by and between the parties, a copy of fact-finder's (Paul Dorr) report and a chart of the teachers, 77-78 salaries, 78-79 salaries and percentages of increases.

FINDINGS OF FACT

1. Mediation sessions between the parties and Mediator Paul Dorr were held January 10 and 11, 1979, however failed to result in an agreement and the parties mutually agreed to submit the dispute to fact-finding.
2. The parties agreed to proceed with Paul Dorr as fact-finder and under Rule 7.3 a hearing was held in Orford on February 23, 1979 for the purpose of resolving the impasse in negotiations and report was issued on February 27, 1979 with each party given ample opportunity for submission of evidence.
3. By mutual agreement, the parties sought and received, PELRB permission to release the fact-finder's report by March 8, 1979, earlier than the 10-day consideration provision under 273-A:12, I and Rules and Regulations 7.3 (d).
4. Recommendations of the fact-finder is not binding on either party and must be presented to the parties for acceptance or rejection, failing acceptance by both parties submitted to the legislative body for final action.
- 5a. The full text of the fact-finder's salary recommendation was read and distributed to all voters present at the district meeting by the Association.
- b. The Board of Directors also presented their interpretation of the report.
- c. Both parties having been offered an opportunity to present their views of the economic package, the legislative body had the final authority to accept or reject the report.

DECISION AND ORDER

- A. The Board declines to find unfair labor practices against the Orford Board of School Directors for the manner in which the Fact-Finder's report was presented to the voters.
- B. The Board also declines to issue guidelines or procedures for presentation of such reports.
- C. The mechanism for amendments to the Labor Board's Rules and Regulations are provided under Rule 8, "Rulemaking Procedures".
- D. The Board hereby dismisses the unfair labor practice petition filed by the Orford Teachers' Association.

  
EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 27th day of September, 1979

By unanimous vote. Edward J. Haseltine presiding. Members Cummings, Moriarty and Anderson present and voting. Also present, Board Clerk LeBrun.