

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

COLEBROOK EDUCATION ASSOCIATION,
Affiliated with NHEA/NEA

Complainant

and

COLEBROOK SCHOOL BOARD AND STEVE DEHL
IN HIS CAPACITY AS SUPERINTENDENT

Respondent

CASE NO. T-0219:2

DECISION NO. 79028

APPEARANCES

Representing the Complainant, Colebrook Education Association:

John Fessenden, UniServ Director, NHEA/NEA
Priscilla McGuire, CEA
Ann M. Woodward, CEA
Marion Godzyk, CEA

Representing the Respondent, Colebrook School Board:

Bradley Kidder, Esquire, Counsel
Stephen Dehl, Superintendent
Perley Davis, Business Administrator
Holman Forbes, Principal

BACKGROUND

On December 29, 1978, the Colebrook Education Association (hereinafter referred to as CEA) filed a complaint seeking an immediate order to require the Colebrook School Board (hereinafter referred to as School Board) to implement the salary portion of the collective bargaining agreement retroactive to September 1, 1978. Also as relief, CEA requested the School Board be ordered to pay interest at the rate of five and one-half percent (5½%) from September 1, 1978 to date of the order.

The complaint alleged that the School Board failed to make a good faith effort to secure funds for the negotiated settlement and to implement the salary schedule in accordance with the wage schedule by putting separate articles in the warrant and by so doing brought defeat to the negotiated settlement.

The respondent denied the allegations of bad faith and argued that the complainant Association's charges were beyond the six-month limitation and should be dismissed as untimely.

Hearing on the above matter was held in the Board's office in Concord on May 3, 1979.

Board (PELRB) accepted a motion from Attorney Kidder on behalf of the School Board requesting the complaint be summarily dismissed in accordance with 273-A:6, VII which states:

"The Board shall summarily dismiss any complaint of an alleged violation of RSA 273-A:5 which occurred more than six months prior to the filing of the complaint with the body having original jurisdiction of that complaint."

PELRB issued no ruling on the motion and took it under advisement. Oral and written testimony was presented by all parties of interest.

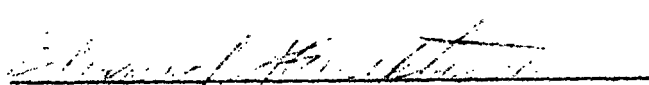
FINDINGS OF FACT

1. The parties successfully negotiated a multi-year agreement effective April 17, 1978 and remaining in effect until August 31, 1980.
2. Article XIV of said agreement states:

"The parties agree that the salaries for the Association shall be increased in accordance with the table in Appendix "A" attached thereto. The parties further agree that the attached schedule shall be implemented."
3. Appendix "A" attached to the existing contract covers teachers salaries for 1977-78, 1978-79 and 1979-80.
4. Both the Superior Court and the Supreme Court of New Hampshire have ruled that multi-year collective bargaining agreements negotiated and signed by the parties constituted legal and binding documents.
5. The method used by the School Board; i.e., use of overhead projector for items of controversial or unusual nature has been used by the School Board since 1971 however this method was used for the first time to present teachers' salaries broken down between wage increase, social security, retirement, workmen's compensation, Blue Cross/Blue Shield Insurance and cost of personal leaves.
6. The dispute over the method of presentation and the legality of the multi-year agreement was properly started well within the six-month limitation period in an effort to reach agreement prior to filing with the Labor Board.
7. The voters of the Colebrook School District did approve the warrant articles providing the teachers with the negotiated salary increases for the school years 1978-79 and 1979-80, thereby granting CEA relief sought under the complaint filed.

DECISION AND ORDER

- A. The request by Counsel for the School District for dismissal of the charges due to untimely filing is hereby denied.
- B. RSA 273-A does not specify the manner in which cost items are to be presented to the legislative body therefore, the Board declines to find unfair labor practice against the Colebrook School Board in the method of presentation.
- C. The Board also declines to assess interest costs against the School Board.


EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 10th day of October, 1979

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