



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Declaratory Judgment
BARNSTEAD SCHOOL DISTRICT,
SCHOOL ADMINISTRATIVE UNIT NO. 51
Petitioner

CASE NO. T-0324:3

DECISION NO. 84-88

APPEARANCES

Representing the Barnstead School District:

Jay C. Boynton, Esq., Counsel

Representing the Barnstead Education Association:

W. B. Cumings, Director Region I, NEA-NH

BACKGROUND

The Barnstead School District (District) on May 21, 1984 filed a petition seeking a declaratory judgment on whether a public employee organization has a duty to support a ratified collective bargaining agreement reached between the parties when the cost items are submitted to the legislative body of the public employer for approval.

Hearing was scheduled and held on November 1, 1984 although on October 29, 1984, PELRB received from the District a "Motion for Continuance" stating that in an effort to conduct present negotiations in the most positive manner possible, it felt a hearing at this time could impact upon negotiations and put the parties at odds.

The Barnstead Education Association (Association) objected to the motion for continuance and requested the petition be dismissed.

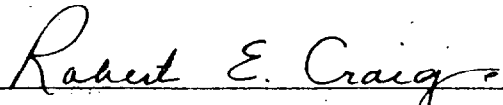
At hearing, Counsel for the District renewed the motion for continuance as negotiations had begun for a 2-year contract and the School Board felt the coincidence of the timing was not necessarily most conducive to fruitful negotiations and put the parties at odds; and, requested postponement until negotiations were completed. He further stated that the subject could possibly be a matter for negotiations.

Association representative argued that the hearing should not be delayed as it could be used by the District as a bargaining chip at the table and had nothing to do with the contract and would only serve to intimidate and coerce the teachers.

PELRB denied the Motion for Continuance and proceeded to hear the merits of the case; however, after listening to opening statements from the parties, the Board recessed to consider the matter and review the records.

DECISION AND ORDER

After a review of the record and consideration of statements by the parties, PELRB issued no ruling on the question and granted the Association's request for dismissal. Petition for Declaratory Judgment hereby dismissed.



ROBERT E. CRAIG, Chairman

Oral decision rendered November 1, 1984

By unanimous decision; Chairman Robert E. Craig presiding, members Richard W. Roulx and James C. Anderson present and voting. Also present, Executive Director Evelyn C LeBrun.