

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HOPKINTON SCHOOL BOARD	:	
	:	
Petitioner	:	CASE NO. T-0277:5
	:	
v.	:	DECISION NO. 88-41
	:	
HOPKINTON EDUCATION ASSOCIATION/ NEA-NEW HAMPSHIRE	:	
	:	
Respondent	:	

APPEARANCES

Representing Hopkinton School Board:

Douglas S. Hatfield, Esq., Counsel

Representing Hopkinton Education Association:

Mary Gaul, UniServ Director, NEA-NH

Also Appearing:

Cynthia Mowles, Superintendent
Pertice Gaskell, HTA Representative
Robert Wirta, Social Studies Teacher

BACKGROUND

A petition for Declaratory Judgment and a request for a Cease and Desist order were filed by the Hopkinton School Board (Board) seeking a "Stay of Arbitration" pending a determination of the arbitrability of the issue in question.

Hearing on the request for a Cease and Desist was convened on January 21, 1988 and resulted in an agreement between the parties which was accepted by PELRB (see decision 88-02).

In accordance with the agreement between the parties, a hearing on the merits of the Board's petition and the Hopkinton Education Association's (Association) counter-claim was held in the office of PELRB on February 18, 1988 with all parties represented.

FINDINGS OF FACT

In mid March, the grievant, Robert Wirta was made aware of the "possibility" that his teaching load would change from four (4) to five (5) classes. Mr. Wirta was told by his principal that there was "a good chance" he would be teaching five (5) classes.

Mr. Wirta expressed concern and requested an opportunity to address the Board. His request was granted on April 14th and he appeared alone to present his case.

The Board's Chairperson Fredyma stated at that time that they would defer the matter to the meeting of the 28th.

The Board's decision came through on the minutes of the meeting but were not posted until last week of April. Nothing was given to the grievant in writing until June 1st.

On June 3rd, 1987, the grievant filed a formal grievance and arranged for a hearing with Superintendent Mowles (Step 2) for the 11th of June.

Superintendent Mowles denied the grievance and scheduled a hearing for the next level, (Step 3) with the school board for the meeting of the 23rd of June.

BOARD'S REQUEST FOR FINDINGS

#1,2,3,4 Granted.

#5 Granted, however the time when the clock starts is the key issues in this case.

#6,7,8 Granted.

#9 Granted, but it is within PELRB's jurisdiction to remand issue through the grievance procedure.

#10 Granted, that Mr. Wirta was informally told there was a possibility but no official notification was given to him.

#11 Granted, that he asked to speak to the Board and was told the matter would be deferred to the next meeting.

#12 Granted, that the minutes of the April 28, 1987 Board meeting indicate that "For lack of motion, the teaching assignment for Robert Wirta for the "87-"88 school year will remain as budgeted." The same statement is reflected in the minutes of the June 23, 1987 meeting (see S.B. exhibit 2, Feb. 18, 1988).

#13 Granted.

#14 Granted in part. Superintendent signed the grievance form and the matter scheduled for June 23rd Board meeting.

#15 Granted.

#16 Granted, and the Superintendent scheduled the Board hearing on the day of denial at Step 2.

#17,18,19 Granted.

#20 Granted.

#21,22 Denied.

ASSOCIATION'S REQUEST FOR FINDINGS

#1-15 Granted.

#16 Granted as to "official" notification.

#17-36 Granted.

#37,38 Denied. The Board believed it acted in good faith and had followed proper timeliness.

#39-43 Granted in part. Denied in part.

DECISION AND ORDER

PELRB finds the filing of the Robert Wirta grievance to be timely and ORDERS the parties to proceed to arbitration as scheduled for May, 25, 1988.

Original decision signed the 9th day of May, 19 88.



JACK BUCKLEY
Alternate Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members Richard E. Molan, Esq. and Richard W. Roulx present and voting. Also present, Executive Director, Evelyn C. LeBrun.

Dated this 11th day of July, 1988.



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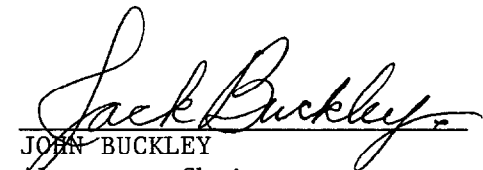
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DECISION AND ORDER

PELRB finds the filing of the Robert Wirta grievance to be timely and ORDERS the parties to proceed to arbitration as scheduled for May 25, 1988.

Full detailed decision with findings will be issued within fifteen (15) days.

Signed this 9th day of May, 19 88.


JOHN BUCKLEY
Alternate Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members Richard E. Molan, Esq and Richard W. Roulx present and voting. Also present, Executive Director, Evelyn C. LeBrun.