



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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GOVERNOR WENTWORTH SCHOOL BOARD :

Petitioner :

and :

GOVERNOR WENTWORTH SUPPORT STAFF/ :  
NEA-NEW HAMPSHIRE :

Complainant :

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CASE NO. M-0518:6

DECISION NO. 89-12

### MOTION FOR CLARIFICATION

#### BACKGROUND

On May 6, 1988, (PELRB Decision no. 88-38), PELRB found the Governor Wentworth School Board (Board) to have committed unfair labor practices pursuant to RSA 273-A, I (e) and ordered the Board to (A) comply with Arbitrator Allan McCausland's June 23, 1987 award; (B) report compliance to PELRB within 30 days; (C) pay the Governor Wentworth Support Staff/NEA-NH its reasonable costs incurred in the adjudication of this matter; and, (D) post PELRB's Order and Findings, for not less than 60 days, in conspicuous locations throughout the District where employees of this unit work.

Subsequent to the above decision, Counsel for the Board requested PELRB clarify its order "C" as to whether it intended to include any type of administrative or legal fees in order to determine what costs were to be paid as a result of Decision #88-38.

Counsel set forth a number of citations and standards of New Hampshire law for the Board's consideration. The Complainant in the case below did not file any memoranda with respect to this matter.

#### DECISION

Although the question of what financial considerations may be awarded by the Board in cases where the Board finds a party to a collective bargaining negotiations to have failed to bargain in good faith pursuant to RSA 273-A:6 VI, (d) such an award was neither contemplated nor the intent of the Board in the instant matter. The Board finds that the Respondent's references comport with the status of New Hampshire law and although this case comes ever so close to reaching a level of such outrageous conduct as to support the award of fees, Rochester School Board

v. Public Employee Labor Relations Board, 119 NH 45 (1979), the Board rules that the Respondent shall pay the Complainant's costs in the same manner as they might be charged in the State's Superior Court.

Dated this 3rd day of February, 1989.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote: Members Edward J. Haseltine, Chairman, James C. Anderson, Richard E. Molan and Seymour Osman. Also present, Executive Director, Evelyn C. LeBrun.