



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MERRIMACK SCHOOL BOARD

Petitioner

v.

MERRIMACK TEACHERS ASSOCIATION/NEA-
NEW HAMPSHIRE

Respondent

CASE NO. T-0205:8

DECISION NO. 90-30

MOTION FOR REHEARING

On March 22, 1990, PELRB by its decision No. 90-22 reversed a hearings officer decision (No. 90-19) and ordered the parties to proceed to mediation.

Consultant for the School Board appealed PELRB's reversal stating that, (1) the hearings officer's participation in decision 90-22 was inappropriate, (2) PELRB ignored the collective bargaining agreement in which the parties had negotiated the conditions for the declaration and process of impasse resolution, (3) violated practical application of timetables in RSA 273-A:12, I, (4) erred as a matter of law as its reversal was inconsistent with the School Board's legal budget submission date of January 15th, and (5) no clear and single record existed for purposes of appeal.

After review of the case, PELRB finds that (A) nothing in 273-A or the Rules and Regulations under which the labor board operates bars a member from sitting on the review of a case in which he was accepted and sat as a hearings officer, (B) no inconsistencies exist between the CBA and RSA 273-A:12, I, (C) there was no violation of the timetables, (D) the budget submission date for Merrimack, a town, is in accordance with RSA 273-A, I, III which states:

"...In the case of a town or
school district, or supervisory
union, it means February 1 of
each year..."

and (E) both parties agreed that the record was complete except for the last questions in the cross-examination of witness Mansfield (last witness). and a de novo hearing was not necessary.

For all of the above reasons, PELRB DENIES the Motion for Rehearing.

Signed this 16th day of April, 1990.


JACK BUCKLEY, Alternate Chairman

By unanimous vote. Jack Buckley, Seymour Osman and Daniel Toomey present and voting. Also present, Executive Director, Evelyn C. LeBrun.