



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

FRANKLIN EDUCATION ASSOCIATION/
NEA-NEW HAMPSHIRE

Petitioner :

CASE NO. T-0202:7

v. :

DECISION NO. 90-89

FRANKLIN SCHOOL DISTRICT

Respondent :

MOTION FOR REHEARING

On August 15, 1990 PELRB issued Decision 90-72 vacating the temporary Cease and Desist order issued June 4, 1990, ruled the "side-bar" agreement invalid, denied the unfair labor practice charged filed against the District and ordered the parties return to the negotiating table in accordance with article 4.4 of the collective bargaining agreement. In addition, PELRB ordered report of compliance and periodic report on progress in negotiations.

The Franklin Education Association, NEA-New Hampshire (Association), by its attorney filed for rehearing in the above-referenced matter stating that (1) the Franklin School District (District) had engaged in a pattern of bad faith bargaining in this dispute, including repudiation of its agreement with the Association and its unilateral action in setting salaries for teachers without negotiations with the Association and PELRB's order to return to the bargaining table "after" the District had taken unilateral and without ordering the "status quo" restored is unjust and unreasonable upon the evidence and an error of law. (2) PELRB's failure to find the parties' "side-bar" agreement non-binding when both parties understood the agreement to be binding, is unlawful, unjust and unreasonable, particularly where the District conceded it failed to follow said agreement. (3) PELRB's failure to address the Sanborn issues is also unreasonable and unlawful as (a) the parties incorporated Sanborn the District, legislative body-the City Council knew and accepted the terms of the multi-year agreement between the parties who relied on the terms of that agreement in signing the side-bar agreement, issuing teachers contracts and laying off other teachers to pay for those contracts. That reliance they allege creates a binding multi-year agreement under Sanborn. (4) The District's claims of "emergency" was without basis-by March the District had taken all steps needed to comply with year-two of the agreement and the City Council voiced no objection. (5) The District engaged in unlawful direct dealings when it unilaterally rescinded the signed teachers contracts and required them to sign new ones for a lower rate of pay. (6) The District acknowledged that it gave up whatever rights it may have had under Section 4.4 of the C.B.A.

DECISION AND ORDER

PELRB at its meeting September 13, 1990 reviewed the evidences presented at the hearings, June 14, 1990 and August 7, 1990, and its decision. Finding no new evidence to merit reconsideration, PELRB exercises its rights under 514 and Pub 205.05 and hereby DENIES the Motion for Rehearing.

Signed this 13th day of September, 1990.



EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members E. Vincent Hall and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.