



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TEAMSTERS LOCAL 633

v.

SCHOOL ADMINISTRATIVE UNIT 24

CASE NO. M-0614:1

DECISION NO. 90-122

DECISION ON MOTION FOR REHEARING

The Respondent, Hopkinton School District, moved for a rehearing in the above-captioned matter alleging several grounds for rehearing and/or reversal. The Board finds that with respect to Item No. 1, Counsel for the District properly suggests that this is a proper motion for rehearing pursuant to the rules and the statute since this was a hearing de novo and the Board so agrees.


Second, the Board found specifically that Paul McGuire was asked about the election. It also found at the hearing that John McGuire was asked about the election. It was the Board's characterization that this occurred several times. Counsel for the Respondent characterized their testimony to have indicated that Union activities were discussed extensively on numerous occasions. This was not the finding of the Board nor do we believe it to be in conformance with the testimony rendered by the McGuires at the hearing.

Third, the School District seeks rehearing based on the fact that the Board did not have the benefit of oral testimony from Thomas Brackett. It should be noted for future reference in all cases that it is not incumbent upon the Board to search out every known person who might have relevant testimony to offer in regard to any matter before it, that is the responsibility and obligation of the parties. The parties were given fair notice that this hearing was to be conducted on these matters and it should be noted that neither Mr. Brackett nor any other witness for the Respondent testified in either hearing before the board. To grant the School Board yet a third bite at the apple to produce its evidence would render the previous opportunities to be heard a mockery and only overly tax the very limited resources of the Board.

Lastly, the Board is always apologetic for having taken more time than it or the parties would like to render decisions, in this as in other cases, it has taken this Board, which is not a full time Board, a period of time to research the legal basis of the complaints before it as well as in this case the necessary time to reach the decision.

or the reasons set forth above and after review of the testimony at the
g, the Respondent's Motion for Rehearing is hereby DENIED.

this 15th day of November, 1990.



EDWARD J. HASELTINE
Chairman

oting in favor to deny the Motion for Rehearing, members Richard E. Molan
ymour Osman. Chairman Edward Haseltine did not vote.