



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONWAY EDUCATION ASSOCIATION/NEA-NEW
HAMPSHIRE

Petitioner

v.

CONWAY SCHOOL DISTRICT

Respondent

CASE NO. T-0221:11

DECISION NO. 90-129

PETITION FOR DECLARATORY JUDGMENT

The Board at its meeting on November 29, 1990 considered your request for Declaratory Judgment and rules as follows:

1. PELRB recognizes its decision Conway School District v. Conway Education Association #88-17 in which it found Section 25-15 of the then existing bargaining agreement, "The Board shall make maximum effort to obtain ratification of the agreement, cost items from the district and the Board agrees that employees salaries and fringe benefits shall not be presented to a regular district meeting on a separate warrant article," to be legal and hereby reaffirms that decision.
2. The Sanborn case sets forth certain basic requirements for contract submission to the voters and speaks as to the methods which maybe employed in agreement submission to the voter as required by 273-A:3 I (g). PELRB will attempt at an early date to develop specific guide lines for agreement submission to comply with the Court's decision in the Sanborn case.
3. PELRB holds that a valid contract between the Conway Teachers Association and the Conway School District exists specifically with respect to its method of submitting the agreement to the voters and is effective until its expiration date of June 30, 1992, to rule otherwise we consider would violate the basic terms of contractual agreement.
4. PELRB finds that the funds raised and appropriated at the 1990 annual School District meeting were raised in accordance with the existing collective bargaining agreement between the parties.
5. While the language of Section 25-15 is no longer consistent with the Sanborn Case decision, we hold that the Sanborn decision does not vacate Section 25-15 of the negotiated agreement until expiration of the agreement. Any successor agreement containing the language of section 25-15 would be in violation of the Sanborn decision.

6. The Conway School Board is directed to submit cost items to the voters at the March 1991 annual meeting in accordance with the existing contract.

ORDER

The above is responsive to the requests of the parties for a declaratory judgment.

Signed this 7th day of December, 1990.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.