



# State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NEWFOUND AREA TEACHERS ASSOCIATION/ NEA-NEW HAMPSHIRE	:	
	:	
Complainant	:	
v.	:	CASE NO. T-0270:21
	:	
NEWFOUND AREA SCHOOL DISTRICT	:	DECISION NO. 92-100
	:	
Respondent	:	
	:	

### APPEARANCES

Representing Newfound Area Teachers Association/NEA-NH:

Janet Paddleford, UniServ Director

Representing Newfound Area School District:

Gary W. Wulf, Chief Negotiator

Also appearing:

George Corrette, Superintendent  
James Allmendinger, Esq.  
Paul Hazelton, N.A.T.A.  
William McLane, N.A.T.A.

### BACKGROUND

On October 1, 1991, the Newfound Area Teachers Association (Association) filed unfair labor practice charges against the Newfound Area School District (District) alleging a violation of the obligation to bargain in good faith by "misrepresenting the true costs of the fact finder's recommendations" to the voters of the district. The District responded by filing of October 16, 1991. In the interim the Association requested a cease and desist order by filing of October 10, 1991. This matter was then set for hearing and heard by the PELRB on February 13 and March 16, 1992. The District filed a post-hearing brief on April 9, 1992 followed by the filing of the Association's brief on April 18, 1992.

FINDINGS OF FACT

1. The Newfound Area School District is a public employer of teachers and other employees as defined by RSA 273-A:1 XI.
2. The Newfound Area Teachers Association is the duly certified bargaining agent of teachers employed by the District.
3. During the course of negotiations for a 1991-92 school year contract, the parties reached impasse in December 1990, engaged in mediation in February 1991 and went to fact finding on May 24, 1991, with recommendations being issued by the fact finder on June 18, 1991 on 14 issues. The Association accepted the fact finder's report; the District did not.
4. Given the date of the fact finder's report (June 18, 1991), it was not possible for it to have been considered at the District's Annual Meeting on March 23, 1991. On September 13, 1991, the District's School Board petitioned for permission to hold a special school district meeting for the purpose of considering the fact finder's report. In that petition, the District proposed a warrant article "to see if [voters]...will vote to approve the fact finder's findings and recommendations relative to teacher salaries and fringe benefits for the 1991-92 school year...to raise and appropriate the sum of....\$219,985.00 to fund all cost items." A separate amount (\$13,158) was listed for support staff.
5. A decree directing a special meeting of the District was issued by the Superior Court, Grafton County on October 2, 1991, said meeting to be held on October 30, 1991 at 7:30 p.m. That decree made no reference to any specific amounts of expenditures to be considered.
6. On October 8, 1991, the Newfound Area School Board signed and posted a warrant notice of the Special Meeting to be held on October 30, 1991 at 7:30 p.m. Unlike the Petition (Item 4) that notice contained no reference to a specific amount of funding for the teachers' contract, but, instead, said, "to see if the School District will vote to approve or reject the fact finder's findings and recommendations relative to teacher salaries and fringe benefits for the 1991-92 school year; and, further to see what sum the School District will vote to raise and appropriate

to fund all cost items relative to teacher salaries and fringe benefits for the 1991-92 school year which are contained in the fact finder's report and recommendations...." (Not recommended by the Budget Committee) A separate amount, listed in a second article, provided \$13,158 for increases in wages and fringe benefits for the support staff for the 1992 fiscal year. (Recommended by the Budget Committee)

7. The Special District Meeting was held as scheduled at 7:30 p.m. on October 30, 1991. That meeting entertained two motions to fund the teachers' contract package, one for \$194, 134 calculated by the District and one for \$115,984 calculated by the Association. Both were defeated. The sum of \$13,158 for increases for the support staff was approved. The \$194,134 figure was the cost of the fact finder's report set forth in "Cost Items for Factfinding Report" dated 10/2/91 (Assn. Ex. No. 3). The \$115,984 figure was the cost of the salary package set forth in "Cost of Fact finder's Report," (Assn. Ex. No. 6). Thus, neither the District's nor the Association's perception of the cost of the fact finder's recommendations was approved by the voters.

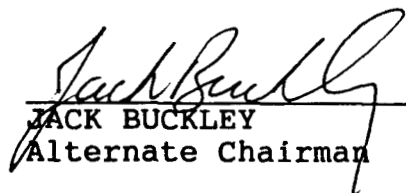
DECISION AND ORDER

We do not concur with the alleged unfair labor practice in this case. The voters not only had an opportunity to examine figures calculated by both the Association and the District when they met on October 30, 1991, they also had an opportunity to vote on both sets of figures. This scenario does not lead us to conclude that the District or its agents misrepresented the cost of the proposal to the voters prior to or at the special District meeting.

The unfair labor practice is DISMISSED.

So ordered.

Signed this 24th day of July, 1992.

  
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JACK BUCKLEY  
Alternate Chairman

By unanimous vote. Alternate Chairman Jack Buckley presiding.  
Members Seymour Osman and E. Vincent Hall present and voting.