



**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

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CLAREMONT SCHOOL BOARD		:	
		:	
Complainant		:	
		:	CASE NO. T-0364:4
v.		:	
		:	DECISION NO. 92-173
SUGAR RIVER EDUCATION ASSOCIATION		:	
NEA-NEW HAMPSHIRE		:	
		:	
Respondent		:	
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APPEARANCES

Representing Claremont School Board:

Theodore E. Comstock, Esq.

Representing Sugar River Education Association:

John Fessenden, UniServ Director

Also appearing:

Robert Young, Sugar River Education Association  
Mike Cirre, Sugar River Education Association  
Carl F. Hesse, Claremont School Board

BACKGROUND

The Claremont School Board (Board) filed a Petition for Declaratory Judgement against the Sugar River Education Association (Association) on May 28, 1992, seeking a determination as to whether it was legally obligated to pay step/track movement to eligible bargaining unit employees in the absence of a successor agreement to the collective bargaining agreement (CBA) which was set to (and did) expire on June 30, 1992. The Association filed its Answer on July 17, 1992 after which this matter was heard by the PELRB on October 6, 1992.

DECISION AND ORDER

The Board notified unit members of its intention to pay increments, both steps and tracks, by the letter from its Chairman, Thomas P. Convair, dated March 12, 1992. The payment of those increments indicates that funds were available and had been appropriated by the legislative body for such a purpose. By its letter, the Board evidenced its intent to pay the increments for the 1992-1993 school year. We will not disturb that manifestation of intent.

No such correspondence or manifestation of intent has been forthcoming from the Board for the 1993-94 school year. Until that is the case or until the parties negotiate to the contrary, there is no presumption that the Board is obligated to pay such increments for the 1993-94 school year. That matter is properly left to be the subject of negotiations between the parties. We reach this conclusion from the current state of the record which gives no indication that, at any time pertinent to these proceedings, the parties undertook to extend the CBA beyond its June 30, 1992 termination date.

For the reasons stated, the Board is obligated to pay the increments in question for the 1992-93 school year. It presently has no obligation to do so for the 1993-94 school year.

So ordered.

Signed this 5th day of November, 1992.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Richard E. Molan, Esq. and Francis LeFavour present and voting.