



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EDUCATION ASSOCIATION OF
PITTSFIELD, NEA-NEW HAMPSHIRE

Petitioner

v.

PITTSFIELD SCHOOL DISTRICT

Respondent

CASE NO. T-0250:13

DECISION NO. 97-034

MOTION TO DISMISS

A hearing was convened at the offices of the Public Employee Labor Relations Board in Concord, New Hampshire, on March 11, 1997, before the undersigned hearing officer, in order to consider an unfair labor practice charge filed by the Education Association of Pittsfield/NEA-New Hampshire against the Pittsfield School Board alleging violations of RSA 273-A:5 I (a), (e) and (g). The Pittsfield School District's Motion to Dismiss was considered preliminarily and is decided below.

In reaching the decision on the Motion to Dismiss, the Hearing Officer considered the following:

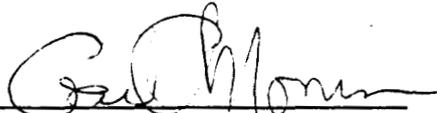
1. The unfair labor practice complaint of the Education Association of Pittsfield filed on January 31, 1997; the response filed by the Pittsfield School District on February 18, 1997; the Pittsfield School District's February 24, 1997, Motion to Dismiss alleging the Education Association of Pittsfield's unfair labor practice charge was untimely;
2. Opening arguments as to the applicability of the time bar of RSA 273-A:6 VII which requires summary dismissal of any alleged violation of RSA 273-A:5 which occurred more than six months prior the filing of the complaint;

3. Testimony and documents pertaining to the date of the alleged violation which instigated the unfair labor practice charge, i.e., whether it should be:
- a. as put forth by the School Board, June 17, 1996, the date of the Pittsfield School Board meeting at which a new teacher evaluation plan was introduced and accepted by the School board, or,
 - b. August 26, 1996, the first day of the 1996-97 school year when the new evaluation plan was explained to the teachers at a staff meeting and implemented as recommended in Superintendent Moccia's report to the School Board recorded in the minutes of the June School Board meeting.

Because the evaluation plan was adopted at the School Board meeting of June 17, 1996, but was not implemented until the first day of school, August 26, 1996, the harm alleged has not been shown to have occurred prior to August 26, 1996. The complaint is not time barred under RSA 273-A:6 VII. Therefore, the School District's Motion to Dismiss is DENIED. This matter shall be scheduled for hearing on the merits.

So ordered.

Signed this 19th day of March, 1997.



Gail C. Morrison
Hearing Officer