

**State of New Hampshire**

**PUBLIC EMPLOYEE LABOR RELATIONS BOARD**

INTER-LAKES SUPPORT STAFF/NEA-NH	:	
	:	
Complainant	:	CASE NO. M-0739:4
	:	
v.	:	DECISION NO. 1999-011
	:	
INTER-LAKES SCHOOL BOARD	:	
	:	
Respondent	:	

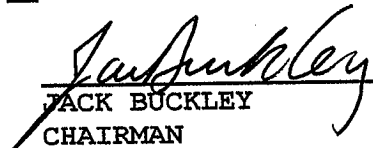
TEMPORARY CEASE AND DESIST ORDER

The Public Employee Labor Relations Board, meeting at its offices in Concord, New Hampshire on February 18, 1999, received and reviewed an unfair labor practice complaint in the above captioned matter in which the complainant, claiming irreparable harm, sought an emergency cease and desist order pending hearing. The conduct complained of alleged the preparation and posting of two (2) separate warrant articles for separate portions of and separate votes on a fact finder's report dated on or about January 15, 1999. The vote by the legislative body at the district meeting is set for March 3, 1999, one day before the district is due to respond to the ULP charges on March 4, 1999 (Rule PUB 304.02).

Appeal of Derry Education Assn., 138 N.H. 69, 71 (1993), provides that "the plain language of the statute requires that the entire fact-finder's report be submitted to the legislative body of the board." Appeal of Alton School Dist., 140 N.H. 303, 311 (1995), provides that "under RSA 273-A, the legislative body of the public employer has but two functions in the collective bargaining process: (1) approving or rejecting cost items submitted to it, RSA 273-A:3, II (b); and (2) accepting or rejecting a fact finder's report, RSA 273-A:12 III. The vote of the legislative body is binding only with respect to cost items." In accordance with RSA 273-A:6, the Inter-Lakes School Board is hereby ordered to CEASE and DESIST from conducting itself, preparing, or causing to be prepared, or causing or permitting votes to be taken on warrant articles in contravention of RSA 273-A or of the cases cited herein. This order shall remain in effect until this matter is heard by the PELRB or negotiated to conclusion by the parties, whichever first occurs.

So ordered.

Signed this 22<sup>nd</sup> day of February, 1999.

  
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JACK BUCKLEY  
CHAIRMAN

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