



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Windham School Board

v.

Windham Education Association

Case No. E-0111-1
Decision No. 2011-049

Order of Dismissal

On January 14, 2011 the Windham School Board filed a petition for declaratory ruling pursuant to Pub 206 seeking a decision concerning its obligation to provide pay increases to employees in a bargaining unit represented by the Windham Education Association, affiliated with the NEA-NH (Association), during the 2011-2012 school year. Pub 206 provides, in part, that:

Any public employer, any public employee or any employee organization may petition the board under RSA 541-A for a ruling regarding the specific applicability of any statute within the jurisdiction of the board to enforce, or any rule or order of the board, by filing with the board a petition for declaratory ruling setting out:

- (1) The specific statute, rule or order whose applicability is in question; and
- (2) A clear and concise statement of the facts giving rise to the petition.

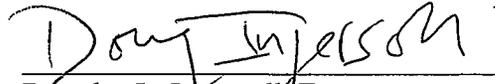
The School Board has cited to RSA 273-A:12,VII in its petition. This law provides for the continuation of pay plans for agreements entered into after July 15, 2008. The School Board alleges that the parties 2008-2011 collective bargaining agreement was entered into prior to July

15, 2008, an allegation the Association admits in its answer. The applicability of RSA 273-A:12, VII is therefore not at issue. The School Board has not otherwise cited to any rule or order of the PELRB whose applicability is in question.

The law governing the parties' respective rights and obligations as to wage increases during any status quo interval following the expiration of a collective bargaining agreement is addressed in detail in prior PELRB and court decisions. Based upon the School Board's petition and the Association's answer, these authorities provide adequate guidance to the parties and their counsel. The petition is dismissed.

So ordered.

February 11, 2011



Douglas L. Ingersoll, Esq.
Presiding Officer/Executive Director

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