



**State of New Hampshire**  
Public Employee Labor Relations Board

**AFSCME Council 93, Local 365,  
Nashua Custodial/Janitorial Staff**

v.

**Nashua School District**

**Case No. E-0013-18  
Decision No. 2018-018**

Order

The undersigned held a status conference in the above captioned matter on February 15, 2018 following the court's decision on appeal, which reversed PELRB Decision No. 2016-177 (August 5, 2016) and remanded the case. See *Appeal of Nashua School District*, N.H. Supreme Court Slip Op. No. 2016-0558 (October 4, 2017). The purpose of the status conference was to discuss what additional PELRB proceedings or action, if any, are necessary on remand. The parties confirmed that the District has not, in fact, privatized the custodial work as outlined in BOE<sup>1</sup> September 2016 votes to end the collective bargaining agreement as to custodial positions effective June 30, 2016, and to issue an RFP "so that the winning bidder shall be on site as of July 1, 2016."<sup>2</sup> There is, however, a disagreement as to whether the 2013-16 CBA remains in effect pursuant to the Article 29 "evergreen" clause, as the Union claims, or whether the parties' current relationship is governed by the status quo doctrine, which is the District's position. The parties also differ on whether it is appropriate and/or necessary for further proceedings on remand to address this disagreement.

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<sup>1</sup> District Board of Education

<sup>2</sup> Finding of Fact 6, PELRB Decision No. 2016-177.

Based on the foregoing, this case shall remain open for an additional 60 days from the date of this order in order to allow the filing of motions, if any, requesting further PELRB proceedings on remand. Any such motion shall include: 1) a precise statement of the issue; 2) an explanation of why the issue remains outstanding given the court's decision, together with a statement of the reasons why adjudicatory proceedings are necessary on remand to address the issue; and 3) the specific PELRB proceedings and action requested. An order on the motion shall thereafter issue as necessary and appropriate. In the event no motions are filed this case shall be deemed closed.

So ordered.

Date: 2-16-2018

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

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