



State of New Hampshire
Public Employee Labor Relations Board

Manchester Education Association/NEA-NH

v.

Manchester School District

Case No. E-0140-11
Decision No. 2022-002

Order

On August 3, 2021, the Manchester Education Association/NEA-NH (Association) filed an unfair labor practice complaint under the Public Employee Labor Relations Act against the Manchester School District (District). The Association alleged that:

1. In January, 2018, the Association filed a complaint against Principal McCafferty with the District and by November the District informed the Association of its findings that the allegations of misconduct were unfounded;
2. On January 30, 2019, the Association held a meeting to discuss the outcome of a "Culture and Climate" survey it conducted in December, 2018. During this meeting, some attendees attempted to "overtake the meeting and divert the agenda for the purposes of airing grievances" about the Association and its leadership and to demand that the Association stop any further investigation into, or advocacy against, Principal McCafferty's conduct; and
3. The Association learned in April, 2021 that Principal McCafferty designed this strategy, and in particular that he: a) directed the employees attending the meeting to work "the crowd into a fury" in order to restrain, coerce and interfere with the Association's and bargaining unit members' statutory rights; b) discouraged membership in the union by encouraging the employees to "temporarily" quit the Association, which resulted in a drop in union membership; and c) interfered with the union administration by attempting to influence the selection of union leaders.

The Association contends that as a result of Principal McCafferty's conduct, the District committed an unfair labor practice in violation of RSA 273-A:5, I (a), (b), (c), (d), and (g).

In its answer to the complaint, the District did not dispute the Association's factual allegations but it did deny the unfair labor practice charges. In its answer, the District "admits that Principal McCafferty strategized with a group of employees who were planning to attend a union meeting and encouraged them to push back and disrupt those in attendance who might try to attack the administration and/or be critical of the school climate." However, the District argued that "neither Principal McCafferty nor anyone attending the relevant union meeting was authorized to act on the District's behalf or was acting with its prior knowledge or direction."

Per the pre-hearing order,¹ the parties agreed to submit this case for decision on stipulations and briefs. However, on January 5, 2022, the parties filed a Joint Stipulation in final resolution of this matter, which provides as follows:

The Principal at Hillside Middle School orchestrated, with the input and assistance of other employees in the building, a plan to disrupt a union meeting with the stated purpose of quelling what was viewed by the Principal as unrest and dissent at the middle school. Among other things, the Principal suggested that members of the union drop their membership in the NEA. These efforts interfered with the concerted activities of, and discouraging membership in, the Manchester Education Association-NEA/NH in violation of RSA 273-A: 5, I, a, b & c. The District agrees to direct the Principal at Hillside Middle School to cease and desist any and all such activities.

Upon review, the parties' Joint Stipulation is approved.

So ordered.

January 10, 2022

/s/ Peter G. Callaghan

Peter G. Callaghan, Esq.
Chair/Presiding Officer

By unanimous vote of Alternate Chair Peter G. Callaghan, Esq., Board Member Carol M. Granfield, and Board Member Richard J. Laughton, Jr.

Distribution: Esther Kane Dickinson, Esq.
Ignacio Sanchez, UniServ Director
Matthew H. Upton, Esq.

¹ See PELRB Decision No. 2021-202 (December 2, 2021).