

**John Stark Teachers' Association, AFT-NH and John Stark Regional School District and John Stark Teachers Association, NEA-NH**, Decision No. 2018-079 (Case No. E-0164-3).

Background: The AFT filed a challenge petition requesting an election to determine the exclusive representative of the existing bargaining unit comprised of certain employees of the district and represented by the NEA. The NEA objected to the petition and moved to dismiss on the ground that the petition and an election were barred by the “contract bar” under RSA 273-A:11 and Admin. Rule Pub 301.01, because the petition was filed after the voters approved a successor 2018-21 collective bargaining agreement between the NEA and the district (CBA).

Decision: The NEA’s motion to dismiss the AFT’s challenge petition was denied and its objection to the petition was overruled. The RSA 273-A:11 (b) “contract bar” did not apply in this case because, based upon the evidence, the term of the successor CBA was from July 1, 2018 to June 30, 2021 and the petition was filed prior to the effective date of the 2018-21 CBA, i.e., not “during the term” of the CBA. The AFT’s request for an election to resolve the question of representation was granted.

***Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.***