

**Rochester Association of Licensed Professionals and Rochester School District and Rochester Federation of Teachers, AFT #3607, AFT-NH, AFL-CIO**, Decision No. 2022-006  
(Case No. E-0264-1)

**Background:** The Association (RALP) filed a Petition for Certification – Challenge to Existing Representative seeking to represent certain employees of the District. Most of these were in a larger bargaining unit represented by the Rochester Federation of Teachers, AFT #3607, AFT-NH, AFL-CIO (RFT) at the time of filing. Both the RFT and the District objected to the petition. The RFT objected on the following grounds: (1) the petition was untimely under Admin. R. Pub 301.01; (2) there was not an adequate explanation or significant change in circumstances to justify the late filing; and (3) there was a community of interest among all members of the RFT unit and to carve out of the professional educational team would be disruptive to the cohesiveness of the bargaining unit and efficiency of negotiation and enforcement of a common master agreement. The District objected claiming, among other things, that: (1) under Admin. R. Pub 301.01 (a), the petition was untimely; (2) the budget submission date was the third Tuesday in April, per custom and practice, and per the City Charter; (3) the RALP failed to provide an explanation for late filing; and (4) the existing certification was appropriate and not incorrect to a degree warranting modification of the unit under Admin. R. Pub 302.05 (a).

**Decision:** The Hearing Officer found that the RFT and the District were parties to a collective bargaining agreement, effective from August 26, 2019 to August 26, 2022, which constituted a "contract bar" under RSA 273-A:11 (b) and triggered the election deadlines (180 to 120 days prior to the budget submission date) and filing deadlines (240 to 180 days prior to the budget submission date). Under these deadlines, the petition was filed too late and an election could not be held within the time limits set forth in RSA 273-A:11 (b). The challenge petition was dismissed as untimely under Admin. R. Pub 301.01.

***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.***