



NH Supreme Court dismissed appeal of this decision on June 1, 1995, Supreme Court No. 94-280.

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

WEARE TEACHERS ASSOCIATION,
NEA-NEW HAMPSHIRE

Complainant

v.

WEARE SCHOOL BOARD

Respondent

CASE NO. T-0278:13

DECISION NO. 93-154

APPEARANCES

Representing Weare Teachers Association, NEA-NH:

James F. Allmendinger, Esq.
Wally Cumings, UniServ Director

Representing Weare School Board:

Gary W. Wulf, Chief Negotiator

Also appearing:

James K. Crane, Weare School District
J. W. MacAllister, Weare School Board
Nancy Pearson, Weare Education Association

BACKGROUND

On March 4, 1993, the Weare Teachers Association, NEA-New Hampshire (Association) filed unfair labor practice (ULP) charges against the Weare School Board (Board) alleging violations of RSA 273-A:5 I (a), (c), (d), (g) and (h) because the Board had been placing new employees on the wage scale depending on their experience while it denied placement for similar years of experience to incumbent employees. The Board filed its answer on March 12, 1993 after which this matter was heard by the PELRB on

May 20, 1993. The PELRB issued its decision (Decision No. 93-83) in this matter on July 8, 1993. The Board filed a Motion for rehearing on July 15, 1993 followed by the Association's objections filed on July 26, 1993. The PELRB granted rehearing on August 5, 1993 in Decision No. 93-110, with the proviso that rehearing be "limited to newly discovered evidence after Decision No. 93-83 and to arguments not presented in those proceedings." Rehearing was then held before the PELRB on October 21, 1993.

FINDINGS OF FACT

1. Findings of Fact numbered 1 through 9, inclusive, as found in Decision No. 93-83, are ratified and confirmed as no contrary evidence was presented during the October 21, 1993 hearing.
2. Finding of Fact number 8 of Decision 93-83 is amplified as the result of testimony from Superintendent Donald Jones and Business Manager Jim Crane which indicated, without rebuttal, that no new teachers have been hired "above step" or with credit for teaching experience over and above what has been accorded to their incumbent School District since this ULP was filed.
3. The six teachers hired "at a step higher than appropriate" for the 1992-93 school year (Decision 93-83, Finding No. 8) had their entry rates set by Supt. Donald Jones who "followed the same practice as his predecessor" in setting those rates. The rates for these six teachers as well as for fifty incumbent teachers remain "frozen" at what was paid per the date of hire or for the 1991-92 school year, respectively, as no agreement has yet been reached for either the 1992-93 or the 1993-94 school years.

DECISION AND ORDER

Since there is no evidence of further "off scale" hirings or of compensation disparities other than those caused by the six hirings for the 1992-93 school year, we believe the relief requested by the Board's representative now adequately protects the rights of the parties under RSA 273-A. Accordingly, we VACATE that part of Decision No. 93-83 directing the Board to bring incumbent teachers to the proper placement on the salary scale to reflect their respective levels of experience. In lieu of this, the Board is directed to enter into negotiations with the Association to resolve of any disparities with respect to how teachers employed by the Weare School District are given credit for their teaching

experience. This remedy is consistent with our decision in Newfound Area Teachers Association, Decision No. 90-59 (July 19, 1990) where we ordered the public employer to cease and desist from such practices. The cease and desist order of Decision No. 93-83 remains in full force and effect.

So ordered.

Signed this 24th day of January, 1994.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and E. Vincent Hall present and voting.