

STATE OF RHODE ISLAND
BEFORE THE STATE LABOR RELATIONS BOARD

In the MATTER of :
: :
RHODE ISLAND STATE LABOR RELATIONS BOARD :
: :
- and - : CASE NOS; ULP-3098
: ULP-3101
: :
BARRINGTON SCHOOL DEPARTMENT :
:

D E C I S I O N

- and -

O R D E R

The above matter came on to be heard on July 12, 1974 on an unfair labor charge lodged by the Union; namely, the Barrington Teachers Association, specifically alleging that the Barrington School Committee had unilaterally abolished certain positions within the Barrington School Department. A pre-trial conference was held with counsel representing the respective parties and certain stipulations were reached which narrowed the factual dispute. The first of these stipulations was that eleven (11) positions within the Barrington School System would be eliminated effective September 1, 1974.

The second stipulation was that the Barrington School Department refuses to bargain with the Teachers Association concerning said elimination of positions.

The third stipulation related to the position of Athletic Director and the agreement was that this position would not be in the contract which would be negotiated for the 1974-1975 school year.

After the stipulations were placed on the record the Petitioner rested. Thereupon the Respondent presented the Superintendent of Schools, Mr. Malcolm, for his testimony. However,

when it became apparent that the gist of Mr. Malcolm's testimony would be to show the reorganization that had taken place in June of 1973 and to further show the motive or motives of the Barrington School Committee in eliminating these positions, this Board sustained the objections lodged by Petitioner's counsel to this entire line of questioning. We sustained these objections because in our opinion the reasons or motive or motives of the Barrington School Committee in eliminating these positions were in no way relevant, pertinent or material to the narrow issue presented in this case. That issue and the only issue to be decided by this Board is whether the Barrington School Committee has the right to unilaterally abolish or change positions in the School Department which changes or eliminations, in effect, affect the conditions of employment of members of the collective bargaining unit without first having negotiated same with the Union. We think not.

We believe that once a union becomes the sole and exclusive bargaining agent for a particular class of employees, and in this case, the class of employees being school teachers that the employer and/or its representative, and in this case, the Barrington School Committee has an obligation and a duty to sit down and negotiate these matters.

We have consistently held that in no way can this be construed to mean that the Union should be able to dictate to management what management's decision should be. And as a practical matter even after the respective parties have sat down and bargained over this matter the practical result probably would be the same, but the fact is the obligation to sit down still remains

Consequently, we feel that the motive of the Barrington School Committee is not that important nor that relevant and for the foregoing reasons, we feel that the Barrington School Committee has committed an unfair labor practice as such is defined in the Rhode Island State Labor Relations Act, and on the basis of the above we make the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Barrington School Department is a duly constituted department within the Town of Barrington, a municipal corporation, duly organized under the Constitution and the General Laws of Rhode Island, with its headquarters located at 165 New Meadow Road, Barrington, Rhode Island.

2. The Barrington Teachers Association is a labor organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining and of dealing with employers in grievances or other mutual aid or protection.

3. That the Barrington Teachers Association is certified as the exclusive bargaining agent for all certified teachers engaged in teaching duties including testing and Guidance teachers who are engaged in teaching duties, but excluding Superintendent, Assistant Superintendent, Principals and Assistant Principals.

4. That a reorganization of the administrative staff of the Barrington School Department took place in June, 1973.

5. That as a result of this reorganization eleven (11) positions in the Barrington School System were eliminated by the Barrington School Committee.

6. That the Barrington School Committee eliminated said positions without consulting or negotiating said elimination with representatives of the Barrington Teachers Association.

7. That the Barrington School Committee refuses to bargain with the Barrington Teachers Association concerning said matter.

8. That the said elimination of positions was done unilaterally by the Barrington School Committee,

9. That the elimination of said positions affects conditions of employment.

10. That the elimination of said positions is properly the subject of collective bargaining,

11. That since it is properly a subject of collective bargaining it is a subject which must be negotiated.

12. That the failure to negotiate and bargain in good faith with representatives of the Barrington Teachers Association is an act prohibited by the State Labor Relations Act.

CONCLUSIONS OF LAW

That the refusal to sit down and bargain collectively and negotiate the elimination of eleven (11) positions in the Barrington School Department and the unilateral abolishing of said positions are acts which are prohibited within the meaning and language of the State Labor Relations Act and they are acts which constitute an unfair labor practice.

ORDER

Wherefore, for the foregoing reasons, it is the Order of this Board that the Barrington School Department immediately sit down and negotiate across the bargaining table with representatives of the Barrington Teachers Association concerning the elimination of said positions.

RHODE ISLAND STATE LABOR RELATIONS BOARD

Samuel J. Casman
CHAIRMAN

Raymond J. ...
MEMBER

Francis B. Brennan
MEMBER

Entered as Order of
the Rhode Island State
Labor Relations Board

DATED: September 19, 1974

BY: *Angela C. ...*
ADMINISTRATOR