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Neshaminy School Dist. v. Neshaminy Federation of Teachers

Commonwealth Court of Pennsylvania - January 9, 2014 - A.3d - 2014 WL 67963

The Neshaminy School District appeals an order of the Court of Common Pleas of Bucks County denying its petition to vacate a grievance arbitration award that reinstated a discharged teacher to her former position.

In doing so, the trial court held that the teacher had not waived her right to grieve her dismissal under the collective bargaining agreement between the School District and the Neshaminy Federation of Teachers (Union) even though she appeared at a hearing before the Board of School Directors. The trial court found that the teacher attended the Board hearing because she had been misled by the School District's notice stating that she would "lose" all her contractual and constitutional rights if she did not request a hearing from the School Board.

The trial court accepted the Union's explanation that the teacher had always intended to pursue a grievance before an arbitrator as the way to challenge her dismissal. The School District contended that the teacher's attendance at the School Board hearing, regardless of her reasons, deprived the arbitrator of jurisdiction. The appeals court agreed, reversing the trial court.