

Sept. 20, 1977

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

NASHUA SCHOOL CUSTODIAL/JANITORIAL STAFF :
Affiliated with the American Federation of :
of State, County and Municipal Employees, :
AFL-CIO :
:
and :
:
NASHUA SCHOOL DISTRICT :
Nashua, New Hampshire :
_____ :

CASE NO. A-0424:1

77-28

APPEARANCES

Representing the Nashua School District:

H. Philip Howorth, Counsel
Richard McCann, Business Administrator

Representing the Custodial/Janitorial Staff:

William J. McDonough, Executive Director, AFSCME

FINDINGS

Unfair Labor Practice charges filed by William J. McDonough, Executive Director, AFSCME, on behalf of the Nashua School Custodial/Janitorial Staff, filed with this Board on June 10, 1977.

Charges filed against the Nashua School Board and Berard Masse, Superintendent, in accordance with RSA 273-A:5, b, c, e, g. for failure to negotiate in good faith and to dominate or to interfere in the formation or administration of any employee organization.

City of Nashua stated they were under no obligation to negotiate with a bargaining agent which had been certified less than 120 days prior to the budget submission date and therefore not required to negotiate a contract to begin July 1, 1977, but the City was prepared to negotiate for a contract to commence July 1, 1978.

Also, City stated the efforts of management to dissuade its employees from favoring the union prior to the certification election of April 22, 1977 was well within the free speech rights of management.


1. City of Nashua and Local #365 AFSCME entered into a contract in 1964 which contained a provision for its continuation on a year to year basis.
2. It appeared that the 1964 contractual relationship between the City of Nashua and Local #365 deteriorated over the years to the point of the City's questioning who did in fact represent the custodians in the

Nashua School District under RSA 273-A:10.

3. In accordance with petition filed with the Board on November 30, 1976, a representative election was conducted on April 22, 1977 with the following results: out of 78 eligible voters, 71 votes were cast. Votes cast for AFSCME, 58 and votes against participating employee organization, 13.
4. On April 22, 1977, Local #365 of AFSCME was certified as the exclusive representative of the custodians of the Nashua School District.
5. The School Board, by its Counsel, H. Philip Howorth, questioned the composition of the bargaining unit.
6. The bargaining unit composition was resolved by PELRB Decision dated March 5, 1977 and subsequent certification election held on April 22, 1977.
7. Because of the point in time, now reached, negotiations may be somewhat under a cloud of restraint of technicalities, however, harmonious relationship between the custodians and the School Board is the objective.

DECISION AND ORDER

The Nashua School District and Local #365, AFSCME, are ordered to conduct good faith negotiations on all matters of mutual interest.


EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 20th date of September, 1977

Board Members voting: Chairman Edward J. Haseltine, Richard H. Cummings and Joseph B. Moriarty. Absent: Members Allman and Anderson

Board vote: Unanimous