



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LIN-WOOD TEACHERS' ASSOCIATION, NEA-NH :

Complainant :

v. :

LIN-WOOD SCHOOL BOARD and
NORMAN H. MULLEN, In his capacity
as Superintendent, SAU #23 :

Respondents :

CASE NO. T-0204:7

DECISION NO. 82-49

APPEARANCES

Representing the Lin-Wood Teachers' Association:

John Fessenden, UniServ Director
Bertrand F. Croteau

Representing the Lin-Wood School Board:

Norman H. Mullen, Superintendent
Carmine Giangreco, Principal
Stephen U. Samaha, Esq., Counsel

BACKGROUND

The complainant alleges a violation of RSA 273-A:5, I(c) and (d) in that Principal Carmine Giangreco discriminated against Bertrand Croteau in not allowing him to have a professional day because of his Association activity and because he has filed a grievance against the school Administration.

On October 13, 1981, Mr. Croteau asked for a professional day in order to attend the NEA Convention on October 23, 1981 and Principal Giangreco denied such permission on October 22, 1981. The granting of professional days was not covered by the contract then in force.

School Board representatives pointed out that an appeal process was in place and was not followed; Principal Giangreco asked for reasons why Mr. Croteau wished to attend; i.e., meetings of a professional nature, etc. and they never were supplied; other teachers attended the conference, however, all had specific meetings to attend, Mr. Croteau did not; the Principal was concerned about the "continuity" of the teaching of the French classes; and finally that had Mr. Croteau given a specific reason for going, he would have been allowed to go; and, they further denied any discrimination against Mr. Croteau.

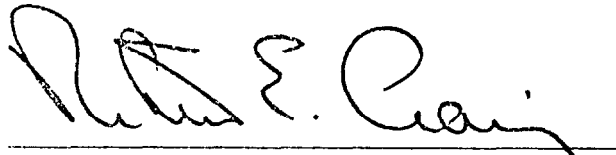
FINDINGS OF FACT AND RULDINGS OF LAW

The School Board's "Professional Day Policy" clearly states that time off (during regular school hours) is" ...for professional improvement that may not be possible outside of school hours". Further, the School Board policy clearly leaves this granting of the professional day "at the discretion of the principal"... and provides that appeals may be made to the Superintendent, whose decision will be final.

The actions testified to at hearing appear to constitute a reasonable exercise of management prerogative in carrying out school board policy to determine if "professional day" leave is appropriate or not. No firm, clear case was es- -----
tablished that Principal Giangreco sought to discriminate unfairly against Mr. Croteau because of his Association activities or because he had brought grievances before the School Board.

BOARD DECISION

The Board declines to find an unfair labor practice and hereby dismisses the complaint.



ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 15th day of July, 1982.

By unanimous decision. Chairman Robert E. Craig presiding, Members David L. Mayhew, Russell F. Hilliard and James C. Anderson present and voting. Also present, Executive Director, Evelyn C. LeBrun.