



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EXETER EDUCATION ASSOCIATION, NEA-NH

Complainant

v.

EXETER SCHOOL BOARD and its Agent,  
WAYNE GERSEN In His Capacity as  
Superintendent

Respondents

CASE NO. T-0226:8

DECISION NO. 85-58

#### APPEARANCES

Representing the Exeter School Board and Supt. Wayne Gersen:

Robert P. Leslie, Esq.

#### BACKGROUND

Unfair labor practice charges were filed by the Exeter Education Association, NEA-NH alleging violations of RSA 273-A:5, I(a), (e), (g) and (h) by eliminating a unit position (Athletic Director at the High School) without bargaining the decision to remove it and the impact of such removal.

Counsel for the School Board in addition to denying the violations filed a motion for dismissal on the basis that an oral protest had been lodged by representatives of the Association, constituting a Level I grievance in accordance with the existing agreement; that the verbal complaint was denied at the Superintendent level; that the Association failed to appeal to the next step of the procedure constituting an acceptance of the decision rendered at Level I. Having failed to comply with the grievance procedure, the charges should be dismissed.

Hearing on the matter was scheduled for 1:30 p.m., August 8, 1985 in the Board's office in Concord.

As representatives from the Exeter Education Association failed to appear despite proper notice, PELRB unanimously dismissed the case with prejudice.

*Jack M. Buckley*

JACK M. BUCKLEY, Alternate Chairman

Signed this 13th day of August, 1985.

By unanimous vote. Chairman Buckley presiding. Members Seymour Osman, James C. Anderson and Richard W. Roulx present and voting. Also present, Executive Director, Evelyn C. LeBrun.