



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, COUNCIL 93

Complainant

v.

TOWN OF DERRY AND EDWARD ANDERSON,
CHAIRMAN, BOARD OF SELECTMEN

Respondent

CASE NO. A-0413:18

DECISION NO. 85-70

APPEARANCES

Representing American Federation of State, County and Municipal Employees

James C. Anderson

Representing Town of Derry, Edward Anderson, Chairman Board of Selectmen

Gary W. Wulf

Also in Attendance

Rodney Bartlett, Derry Public Works
Charles Buzzell, AFSCME Local 1801

BACKGROUND

On May 22, 1985 AFSCME New Hampshire Council 93 (herein after the "Union") filed an unfair labor practice charge against the Town of Derry and Edward Anderson in his capacity as Chairman of the Board of Selectmen (hereinafter the "Town") for the Town's failure to process certain grievances.

The Town responded that the last contract covering the bargaining unit in question expired March 31, 1984; the parties were negotiating a new contract; the grievances in question did not originate during the life of the previous contract; and the personnel practices allegedly violated were cited on the grievance forms as articles and sections of the expired contract.

On August 13, 1985 a hearing was held before the Public Employee Labor Relations Board (hereinafter the "Board") with both parties represented. At the hearing the following was found by the Board:

FINDINGS OF FACT

The previous contract between the parties expired March 31, 1984.

There has been no negotiated change to the terms and conditions of employment set forth in that contract.

The grievance procedure set forth in the contract and the Town grievance procedure for non-bargaining unit employees are the same through the level of the Board of Selectmen.

The Union has the right and responsibility as exclusive bargaining agent to represent the employees within the bargaining unit.

The grievances in question have not been heard by the Board of Selectmen.

DECISION AND ORDER

Wherefore the Board does not find that an unfair labor practice has occurred and orders:

The parties shall proceed to the next level of the grievance procedure, the Board of Selectmen; references within the grievances to articles and sections of the expired contract shall be considered reference to the last published and existing terms and conditions of employment for bargaining unit employees.

The interest of RSA 273-A shall be served by resolving the grievances at the lowest possible level with the intention of creating harmonious and cooperative relations.



JOHN M. BUCKLEY

Signed this 12th day of September, 1985.

By unanimous vote. Alternate Chairman John M. Buckley presiding. Members Seymour Osman, Richard Roulx and Russell Verney present and voting. Also present, Evelyn C. LeBrun, Executive Director.