



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TEAMSTERS LOCAL 633 OF NEW HAMPSHIRE	:	
	:	
Complainant	:	
	:	
. v.	:	CASE NO. M-0614:3
	:	
HOPKINTON SCHOOL BOARD	:	DECISION NO. 91-87
	:	
Respondent	:	

APPEARANCES

Representing Teamsters Local 633 of New Hampshire:

Thomas D. Noonan, Business Agent

Representing Hopkinton School Board:

Nicholas DiGiovanni, Jr., Esq., Counsel

Also appearing:

Joe Lucas, Teamsters Local 633
Sandra Brewer, SAU #24
Suzanne Bryant Armstrong, Supt.
Thomas Brackett, SAU #24
ARnold Coda, SAU #24

BACKGROUND

On May 6, 1991, Teamsters Local 633 of New Hampshire (Teamsters) filed an unfair labor practice charge against Hopkinton School Board (Board), SAU #24 Arnold C. Coda Chairman. The charge alleges that during a March 5, 1991 hearing held before the public employer, the Teamsters were not allowed the right to be treated in a fair and impartial manner at the hearing. They were told that they did not have a grievance and were not allowed to ask any specific questions of the supervisor by the Superintendent Suzanne Armstrong or by the Board. Teamsters were also told that the custodian supervisors were going to be doing work that the custodians normally did under their respective job descriptions. The Teamsters alleged a violation of 273-A IV and 273-A V and requested a Cease and Desits Order.

The thrust of the complaint was that the representative of the certified bargaining unit was not permitted to question the position of the individual who was the subject of a grievance and they were not treated in a fair and impartial manner. They stated that witness Thomas Noonan was not allowed to ask questions during the grievance procedure.

The Board responded by its counsel, Nicholas DiGiovanni, Jr., Esq., stating the parties negotiated a grievance procedure. The questions that were asked by the representative of the bargaining unit were cut short because they introduced other material concerning another case that had been before the PELRB with respect to the custodians and were not germane to the grievance in question.

Hearing in this matter was held on July 25, 1991 at the offices of the PELRB in Concord, New Hampshire.

Witness Arnold Coda, Chairman of the Board stated that everyone was there that should have been at the grievance hearing and during the hearing when the questions came up about another case the Superintendent said that it was relevant.

Superintendent Armstrong indicated as a witness that she objected about the question regarding the McGuires' and that it was out of order with respect to the grievance before them. The other members of the bargaining unit were called in when the doors were open and the Board did not answer the questions regarding the McGuires.

Witness Joe Lucas who is a member of the bargaining unit and is responsible for night cleaning testified that Complainant Union had only fifteen (15) minutes in which to present their case and alleged that the Superintendent could not tell the union what to do.

In closing, the Teamsters indicated that they should have had a chance to a full hearing in the grievance procedure which was cut short by the introduction of another case.

FINDINGS OF FACT

Considering the exhibits offered and testimony at the hearing the following findings are made:

1. A contract was submitted in evidence at the hearing although it was unsigned. It was alleged to be in existence and to set forth the required grievance procedure to be negotiated between the parties.
2. The parties did start the grievance procedure and the PELRB finds that the representative of the local bargaining unit was cut short in his ability to raise questions.
3. Questions pertaining to previous cases, other than reference only, should not be part of a grievance submitted in a specific case. Any conduct of a hearing should be in reference to the specific case being grieved.
4. The charging party in its petition for unfair labor practice finding requested no specific relief.
5. The parties in the instant case should follow the grievance procedure outlined in the contract to the letter of the language in the contract. Deviation from such procedure in a specific case can only be made with a mutual agreement of the parties to the grievance.

6. The parties in this instance should be more receptive to complete communications of any subject raised in a grievance procedure without surrendering any rights of the parties to the procedure in any way. The PELRB finds that the parties should exert extra effort to completely communicate their problems.
7. Based on the testimony and exhibits offered the PELRB finds no substantial conclusive evidence that an unfair labor practice did take place but do find a lack of communication.

ORDER

Based on the above findings, the petition of the Teamsters Local 633 of New Hampshire for finding of an unfair labor practice is hereby DISMISSED.

Signed this 27th day of November, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.