

**STATE OF NEW HAMPSHIRE**  
Public Employee Labor Relations Board

**Daniel O'Donnell**

v.

**Nashua School District**

**Case No. E-0155-2**

**Decision No. 2015-240**

**Appearances:**

Daniel O'Donnell, Merrimack, New Hampshire, pro se.

Stephen M. Bennett, Esq., Corporation Counsel, Nashua, New Hampshire for the Respondent.

**Background:**

The parties appeared for hearing on November 6, 2015. Mr. O'Donnell is a recently retired former Secondary Assistant Principal in the Nashua School District. Prior to the filing of his complaint with the PELRB he had filed a grievance claiming a violation of the parties' collective bargaining agreement (Joint Exhibit 1), which resulted in a Step 4 hearing before the Nashua Board of Education on July 30, 2015. The Nashua Board of Education issued its decision on August 26, 2015 (Joint Exhibit 11), and within 20 working days Mr. O'Donnell filed a complaint with the PELRB. He claims he is owed additional compensation under the collective bargaining agreement, that the District violated the grievance procedure and/or that the grievance procedure is unworkable. The District denies the merits of Mr. O'Donnell's claims and has moved to dismiss, arguing that Mr. O'Donnell's claims are subject to final and binding


arbitration under the collective bargaining agreement, and that Mr. O'Donnell has failed to make a timely request for grievance arbitration.

### **Decision and Order**

After arguing the District's pending motion to dismiss, the parties conferred and reached an agreement pursuant to which Mr. O'Donnell's claim that he is owed additional compensation under the collective bargaining agreement will be decided in final and binding arbitration. The parties agreed that the PELRB will treat the filings Mr. O'Donnell has submitted as a request for the appointment of a grievance arbitrator<sup>1</sup>, and that the PELRB will proceed with the issuance of a list of potential arbitrators. As to any of Mr. O'Donnell's complaints about the contractual grievance procedure, the District has agreed to make a proposal in contract negotiations designed to clarify the Article 14.3, Step 5 language, as the District outlined at today's hearing. Mr. O'Donnell has accepted this course of action as an acceptable resolution of his grievance procedure claim(s). Based upon the foregoing Mr. O'Donnell's complaint is dismissed.

So ordered.

Date: 11-6-2015

  
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Douglas L. Ingersoll, Esq.  
Executive Director/Presiding Officer

Distribution: Mr. Daniel O'Donnell  
Stephen M. Bennett, Esq.

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<sup>1</sup> The District withdraws any objections to the timeliness of Mr. O'Donnell's request for grievance arbitration.