This decision was affirmed on appeal per January 13, 2012 Supreme Court order in *Appeal of Michael Silverstein* NH Supreme Court Case No. 2011-012.

State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Michael Silverstein

v.

Andover School Board

Case No. E-0102-1
Decision 2010-239

ORDER

Mr. Silverstein filed a motion for rehearing under Pub 205.02 and RSA 541-A:3. As noted in our prior decision, the Andover Education Association, NEA-NH (Association) and the School Board agreed on a grievance procedure whose last step is a decision by the School Board that is both final and binding. Grievance procedures are not unworkable or invalid under RSA 273-A because parties have agreed that the public employer's decision is the last step, or because parties have agreed that a decision rendered by the public employer in the last step of a grievance procedure is both final and binding. The final and binding language in the grievance procedure under review in this case means that this Board does not have jurisdiction to interpret the collective bargaining agreement and resolve Mr. Silverstein's complaint on the merits, either during the pendency of the grievance or upon completion of the grievance process. *Appeal of Hooksett School District*, 126 N.H. 202, 204 (1985). Accordingly the motion for rehearing is denied.

So ordered.

December 10, 2010.

Jack Buckley, Chair

By unanimous vote. Chair Jack Buckley presiding with Board Members James M. O'Mara, Jr. and Kevin E. Cash also voting.

Distribution:

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