

Derry Education Association/NEA-New Hampshire v. Derry Cooperative School District # 1, Decision No. 2009-152 (Case No. E-0073-1)

Background: The union filed an unfair labor practice complaint against the district claiming that the district breached the parties' collective bargaining agreement (CBA) in violation of RSA 273-A:5, I (h) by improperly denying the requests of two bargaining unit members to use the sick leave bank on the ground that the requests did not involve extended illness or disability. The district denied the charge claiming that its administration of the sick leave bank was consistent with the parties' CBA, bargaining history, and past practice.

Decision: The PELRB granted the complaint in part finding that, although under the parties' CBA the district's superintendent had approval authority over requests for use of the sick leave bank, the exercise of this approval authority was limited by the criteria set forth in the parties' CBA. Because the superintendent applied an extra-contractual and more restrictive standard to the first employee's sick leave bank request, the denial of that request was improper. The PELRB denied the union's complaint in part finding that there was insufficient evidence that the inappropriate standard was applied to the second employee's request for seventeen-day block of time.

Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.