

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONCORD EDUCATION ASSOCIATION,
Affiliated with NHEA/NEA

Complainant

and

SCHOOL BOARD
CONCORD UNION SCHOOL DISTRICT

Respondent

CASE NO. T-0220:1

DECISION NO. 7800021

APPEARANCES

Representing the Complainant, Concord Education Association:

David N. Smith, Region I UniServ Director, NHEA

Representing the Respondent, Concord Union School District:

William B. Kingston, Metzslers Associates, Exeter, New Hampshire

BACKGROUND

Jeanne Joslin as President of the Concord Education Association on March 31, 1978 filed two complaints of unfair labor practice against the Concord Union School District Board alleging violation of RSA 273-A:5 (1) (a), (e), and (h), specifically charging the School Board of:

1. Unilaterally scheduling the opening date of the 1978-79 school year for August 30 in violation of a verbal agreement reached during negotiations that opening date would be the day after Labor Day, and
2. Unilaterally issuing individual contracts to bargaining unit members while negotiations on salary and other terms and conditions of employment were still in progress.

On April 11, Concord Board of Education President, John T. Flanders, denied the violation charges stating that all remedies available had not been exhausted. He further stated that negotiations had reached the fact finding stage, however requirements under the collective bargaining agreement specified that the following school year contracts were to be issued on or before March 31 and returned to the Superintendent's office prior to April 14; also, scheduling of work year was in accordance with the agreement between the parties, Article IV, Section B, which stated that dates of the 190-day work year were to be determined by the individual contracts.

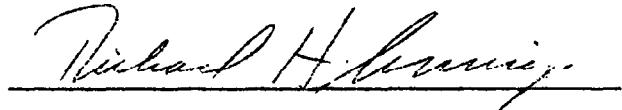
Hearing on the charges was held in the Offices of the Labor Board on Wednesday, May 24, 1978.

Of particular concern to the Education Association was the timely filing of improper practice charges and both parties, however, felt that the administrative procedures could be following prior to action by this Board.

After a short discussion and review of the case, PELRB rules as follows:

DECISION AND ORDER

The Board remands both issues to the parties of interests and orders them to follow the grievance procedure in accordance with the existing agreement by and between the Concord Union School District and the Concord Education Association, 1976-78.

A handwritten signature in cursive script, reading "Richard H. Cummings", is written over a horizontal line.

RICHARD H. CUMMINGS
ACTING CHAIRMAN

Unanimous vote. Present: Acting Chairman, Richard H. Cummings, Edward L. Allman and Joseph B. Moriarty. Also present, Clerk Evelyn C. LeBrun.

Signed this 24th day of May, 1978.