

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

DOVER SCHOOL DEPARTMENT
CUSTODIANS

and

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO, LOCAL #572

CASE NO. M-0528

DECISION NO. 79032

APPEARANCES

Representing the Dover School Department Custodians:

Arnold E. Osborne, Custodian
William J. Hartford, "
James E. Baker, "
Robert W. Hilliard, "
Fred Pinkham, "
George W. Baker, "
Toofy George, "
Richard Flanagan, "
Kenneth A. Reynolds, "
Edmund P. DanDeneau, "

Representing the American Federation of State, County and Municipal Employees:

No Representative

BACKGROUND

The above captioned case was brought to the Board on June 19, 1979 in accordance with Rules & Regulations, Section 1.4, Decertification of Exclusive Representative, which states:

"(a). A petition for Decertification alleging that the members of a bargaining unit no longer wish to be represented by the employee organization presently representing them shall contain essentially the same information and shall be treated in the same fashion as a petition filed under Section 1.2."

The decertification petition was accompanied by individual signed cards from over 75 percent of the custodians.

Original petition for certification as exclusive representative was filed February 28, 1978 by the Teamsters Local Union No. 633 of New Hampshire and the American Federation of State, County and Municipal Employees filed as intervenors on March 15, 1978. Election was held at the Woodman Park School in Dover and resulted in a win for AFSCME over the Teamsters with a vote of 15 (AFSCME) to one (Teamsters) and nine votes against representation by any union. AFSCME,

Local 572, was certified as the exclusive representative for all custodians, ground maintenance, and/or groundskeepers, janitors in the Dover School System on April 28, 1978.

After several months of negotiations and mediation an agreement was reached between the parties on May 28, 1979, effective January 1, 1979 to December 31, 1979.

AFSCME failed to file exceptions to the decertification petition in accordance with Rules and Regulations, Section 1.2 (a), (15 days from date of filing). On July 6, 1979 William J. McDonough, Executive Director of the N. H. Public Employees' Council, petitioned the Board requesting an extension. The Board at its July 12, 1979 hearing denied the request for an extension and a pre-election date was set for August 21, 1979 in Dover. Ten members of the custodial group attended the pre-election conference, however, due to previous commitments neither Mr. McDonough nor his attorney, Mr. Barry attended. A tentative date for the election was set for September 10, 1979 between the hours of 2:00 to 3:30 p.m. at the Woodman Park School.

Subsequent to the pre-election conference, August 17, 1979, unfair labor practice charges were filed against Bernard F. Ryder, Superintendent alleging that the agreement's terms were changed by Mr. Ryder, thereby denying some of the employees the negotiated increase and causing dissatisfaction among the employees.

The case of the unfair labor practice charges was subject to another hearing on September 6, 1979.

FINDINGS OF FACT

1. AFSCME, Local 572, is the exclusive representative of all maintenance, custodial and janitorial employees of the Dover School District.
2. A contract effective January 1, 1979 and expiring December 31, 1979 does exist between Local 572 and the School District.
3. A decertification petition was filed with the required individual signature cards from over thirty percent of the employees in the unit alleging they no longer wished to be represented by Local 572.
4. No exceptions to the petition were filed by Local 572 as prescribed by the Board's Rules and Regulations.

DECISION AND ORDER

In accordance with the background and findings above, it is hereby ordered that the decertification election be held as expeditiously as possible.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 31st day of October, 1979.

Chairman Edward Haseltine presiding. Also present Cummings and Moriarty. Evelyn C. LeBrun, Executive Director also present.