



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

EMPLOYEES OF THE CONCORD UNION SCHOOL  
DISTRICT - MAINTENANCE AND CUSTODIAL  
DEPARTMENTS

Petitioners

v.

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-CIO,  
LOCAL 1580

CASE NO. M-0553

DECISION NO. 82-51

#### APPEARANCES

##### Representing the Employees:

Courtney D. Moore  
Raymond A. Bonner  
Frederic E. Ware  
Dennis M. Miniutti

##### Representing AFSCME, Local 1580:

James J. Barry, Jr., Esq., Counsel  
James C. Anderson, President of Council #68  
Edward L. Edwards, Representative

#### BACKGROUND

The American Federation of State, County and Municipal Employees, AFL-CIO, Local 1580 is the certified bargaining representative of a unit of the Concord Union School District custodial and maintenance employees. Certain employees have petitioned the Board for decertification by filing made in May, 1982. Sufficient cards to satisfy statutory requirements were filed with the petition. The union has objected to the filing stating that it fails to satisfy the requirements of the statute for a timely filing, alleging that the filing for decertification must take place in the "window" provided by statute, RSA 273-A:11, I(b). The first date for filing under such statutory time periods is alleged to be July 5, 1982.

#### FINDINGS OF FACT AND RULINGS OF LAW

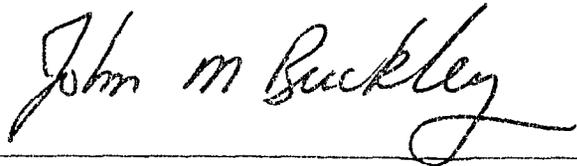
The union has made a valid objection to the filing of the decertification petition which, under law, cannot be filed until July 5, 1982. Therefore,

the Board has no choice but to dismiss the petition as filed. Nothing in this decision, however, prejudices the rights of the employees to refile during the statutory period.

ORDER

The Board issues the following order:

1. The decertification petition is hereby dismissed without prejudice as to refiling.



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JOHN M. BUCKLEY, Alternate Chairman  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 15th day of July, 1982

By unanimous vote of the Board. Alternate Chairman John M. Buckley presiding; members Seymour Osman and Russell Verney present and voting. Also present, Executive Director Evelyn C. LeBrun and Board Counsel Bradford E. Cook.