



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

CASE NO. A-0499

v.

CONCORD UNION SCHOOL DISTRICT

DECISION NO. 84-41

APPEARANCES

Representing American Federation of State, County and Municipal Employees

Edward Edwards

Representing Concord Union School District

Edward M. Kaplan, Atty.

Also present

Lawrence White, Business Administrator
Richard Snow, Director of Maintenance and Transportation

BACKGROUND

On January 26, 1984, AFSCME, Local 1580 (Union) filed improper practice charges against the Concord Union School District (District) alleging violations of RSA 273-A:5 I (a)(b) and (g).

The Union specifically charged that the Director of Maintenance and Transportation (Mr. Snow) of the District did act to prevent the Union representative from meeting with employees during certain hours and did inform employees that the Union representative was not allowed in school buildings, all contrary to rights established by RSA 273-A and the PELRB.

The District replied that it had not violated the Union's rights because the Union representative violated school procedures in not requesting permission to visit schools and did not visit schools during non-working hours. The District refers to previously established school policy as follows:

"The District will only approve visits to district buildings by Union officials during non-working periods in a non-working area. Such permission will be granted by the Director of Maintenance and Transportation."

Further, the District contends that it simply informed the employees that

Union representatives would be allowed only in non-working areas during non-working times.

A hearing was held on this matter at the PELRB's office in Concord, N.H. on March 22, 1984, with all parties represented.

FINDINGS OF FACT AND RULINGS OF LAW

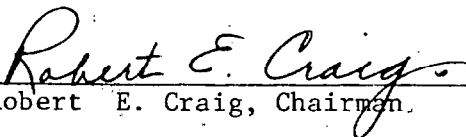
At hearing the following facts were developed:

1. Until recently there was no problem of access by Union representatives.
2. The District allows access during a 15-minute morning period, the 30-minute lunch period and a 15-minute afternoon period.
3. The District requires permission to enter the building(s) to regulate the entry of "strangers".
4. Because of the Union representative's schedule, he cannot always arrive at the times the District allows access.

The PELRB finds that RSA 273-A:11 I (a) confers certain rights upon the "exclusive representative of a bargaining unit" and orders employers to "extend" these rights. We find that visiting employees at their place of work, so long as it is not disruptive, must be among these rights and must be allowed under the act. We find the District policy too restrictive in that rights conferred under the act cannot be granted by permission of school officials. The Union should try to notify the appropriate school officials, prior to visiting the school, but school permission is not required by law and, therefore, not necessary in each case. Also, since school employees as well as Union representatives have varying actual work schedules, school officials must cooperate with the Union representative to permit employees to consult with their Union representative at various times during the day, whenever they are not actually working.

DECISION AND ORDER

1. The PELRB finds the Concord Union School District guilty of an unfair labor practice in curtailing Union representatives' access to unit employees and,
2. Orders the Concord Union School District to cooperate with the Union representative(s) to guarantee the fullest enjoyment of employee and Union rights provided by law.


Robert E. Craig, Chairman.

Signed this 7th day of May, 1984.

By unanimous vote. Chairman Robert E. Craig, presiding; members Richard W. Roulx and Russell Verney present and voting. Also present, Evelyn C. LeBrun, Executive Director.