



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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CONCORD SCHOOL DISTRICT

Petitioner

v.

CONCORD EDUCATION ASSOCIATION  
NEA-NEW HAMPSHIRE

Respondent

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CASE NO. T-0220:13

DECISION NO. 89-20

#### APPEARANCES

##### Representing the Concord School District

Edward M. Kaplan, Esq.

##### Representing the Concord Education Association, NEA-New Hampshire

Wally Cumings, UniServ Director

##### Also appearing:

Mark E. Beauvais, Superintendent  
Joyce Read  
Joan P. McNamara  
Lionel DeLacey  
Fred P. Place  
Hugh Watson, N.H. School Board Associatin

#### BACKGROUND

The Concord School District (District) filed prohibitive practice charges against the Concord Education Association, NEA-New Hampshire (Association) for attempting to arbitrate a grievance which the District alleges is not arbitrable and will cause irreparable harm. In its filing the District sought a Stay of Arbitration pending a hearing on the merits and decision by PELRB. The grievant is currently holding the position of Media Coordinator and receiving pay for that positive in accordance with the agreement.

In its answers to the charges, the Association stated that the issue of disparate treatment and the failure of the District to compensate the grievant in accordance with the negotiated schedule of co-curricular stipends in one of the contract "interpretation meaning application" of a "provision" of the

agreement and grievable.

The grievance resulted from negotiations involving five department head positions; i.e., media coordinator, grades K-9; special education, grades 10-12; special education, Rundlett Junior High; media coordinator, grades 10-12; and Health Services Department. Counter Charges were filed by the Association alleging breach of contract.

#### FINDING OF FACT

Negotiations resolved the department chair for all but the media coordinator at the High School and the Health Services position.

The Factfinder's report recommended that the District classify all media coordinators as department chairs and assign a full department chair stipend to the chair of the Health Department.

The District accepted the Factfinder's report.

Subsequent to acceptance of the factfinder's report and ratification of the agreement, the persons holding the positions at that time were automatically elevated to department head status, all except Ms. McNamara who was media coordinator at the High School. (The Health Services Department Chair was vacant immediately after the agreement was settled.)

The District posted as a vacancy the media coordinator, grades 10-12, department chair position (Ms. McNamara's position). Ms. McNamara had held the position of High School Media Coordinator for twenty years and was in the position at the time of reclassification as department chair.

Ms. McNamara applied and received the department chair position in March of 1988.

The grievance involves the failure to elevate Ms. McNamara to department chair status as of September 1, 1987 and stipend due her.

#### ASSOCIATION'S REQUEST FOR FINDINGS:

#1 thru 18 Granted

#19

#20 Granted

#21

#22-24 Granted

DECISION AND ORDER

After review of the evidence and testimony presented at the hearing the Board finds the matter to be arbitrable under the negotiated agreement and ORDERS the parties to proceed to arbitration through the American Arbitration Association under Section IV, 3.

The parties are to report compliance to this Order and results of arbitration as soon as completed.

Signed this 21st day of March, 1989.

  
EDWARD J. HASELTINE  
Chairman

Unanimous vote. Edward J. Haseltine presiding. Members Richard E. Molan, Esq. and Seymour Osman present and voting. Also present Executive Director, Evelyn C. LeBrun.