



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CANDIA EDUCATION ASSOCIATION/NEA-
NEW HAMPSHIRE

Petitioner

v.

CANDIA BOARD OF SCHOOL DIRECTORS
and DAVID CAWLEY, IN HIS CAPACITY
AS SUPERINTENDENT

Respondents

CASE NO. T-0384:1

DECISION NO. 90-01

APPEARANCES

Representing the Candia Education Association:

Gregory Andruschkevich, NEA-NH

Representing the Candia Board and Superintendent:

Robert P. Leslie, Esq., Counsel

Also in attendance:

David R. Cawley, Superintendent
Dr. Kenneth Severson, Asst. Superintendent
Robert Claver, Candia School Board
Nancy B. Fuller, President CEA
Sandra Leavitt, Nurse, CEA/NEA-NH

BACKGROUND

The Candia Education Association, NEA-NH (CEA) through its representative, UniServ Director Greg Andruschkevich, filed unfair labor practices against the Candia Board of School Directors (Board) and David Cawley, Superintendent for refusing to deal with the exclusive representative regarding terms and conditions of employment for the school nurse, specifically concerns about her employment contract.

Counsel for the Board, Atty. Leslie, denied the charge stating that the nurse position was included in the agreement effective for the 1989 through 1992 school years and the Board did not feel it was under any obligation to further bargain terms and conditions of employment for members covered by that agreement. Further, if a violation of the contract had, in their opinion, occurred, the proper procedure would be to pursue the matter through the grievance procedure outlined in the agreement.

A hearing on the charge was held in the PELRB office on Thursday, January 4, 1990 with all parties represented.

FINDING OF FACTS

CEA's request for finding of fact and ruling of law:

Requests 1 thru 13 Granted.

Request 14 Granted in part. Evidence presented by CEA that they at that time gave no thought to the matter as a grievable issue.

Request 15 Granted in part. The reference to challenge in 273-A:11, I (b) clearly refers to the challenge by another association or union for the right of representation.

Request 16 Granted in part. Potential grievances may also be resolved informally by employees without representation.

Request 17 Granted in part. Denied that such informal meetings would lead to unnecessary proliferation of formal grievances.

Request 18 Granted as evidence presented was not refuted.

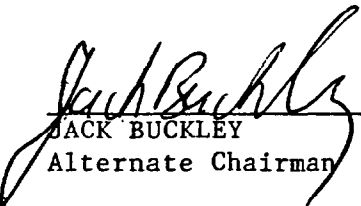
Request 19 Granted.

Request 20-21 Denied.

DECISION AND ORDER

After considering all of the testimony, oral and written evidence, PELRB finds no unfair labor practice and hereby dismisses the charge.

Signed this 11th day of January, 1990.


JACK BUCKLEY
Alternate Chairman

By unanimous vote. Chairman Jack Buckley presiding. Members Seymour Osman and James C. Anderson, present and voting. Also present, Executive Director, Evelyn C. LeBrun.