



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONCORD SCHOOL DISTRICT

Petitioner

v.

CONCORD EDUCATION ASSOCIATION/NEA-
NEW HAMPSHIRE

Respondent

CASE NO. T-0220:16

DECISION NO. 90-29

MOTION FOR CLARIFICATION & REHEARING

On October 19, 1989 PELRB found no unfair labor practice on the part of either party in the Sandra Y. Sweatt case, a teacher at the Walker Elementary School in Concord who allegedly used improper physical force in disciplining a student. Ms. Sweatt was first suspended and then discharged.

The Association filed a grievance on behalf of Ms. Sweatt. The District refused to process the grievance stating that it was not grievable under the existing collective bargaining agreement.

PELRB decision No. 89-70 ordered the parties to process the case in accordance with the grievance procedure in the collective bargaining agreement by and between the parties.

Counsel for the District filed a Motion to Clarify the October 19, 1989 order directing the District to process grievances relating to the District's decision to remove Sweatt from the classroom, to dismiss Sweatt from her employment, to not renew her contract, or all three actions and requesting PELRB grant a rehearing on the issues of whether its decisions to remove Sweatt from the classroom and not renew her contract for the '89-'90 school year was arbitrable.

PELRB finds no new evidence to merit reconsideration in this case and further states that its October 19, 1989 order was clear directing both parties to process the case, involving a contractual dispute of three issues, in accordance with the existing agreement's grievance procedure which provides for binding arbitration as the final resolution of grievances.

Motion for Clarification and Rehearing is hereby DENIED.

Signed this 16th day of April, 1990.


EDWARD J. HASELTINE, Chairman

Chairman Edward J. Haseltine and Seymour Osman voting to deny the Motion for Clarification and Rehearing, Member Richard E. Molan voting to grant. Also present, Executive Director Evelyn C. LeBrun



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EDWARD J. HASELTINE, Chairman

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