



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

RAYMOND TEACHERS' ORGANIZATION
NEA-NH/NEA

Petitioner

v.

RAYMOND SCHOOL BOARD

Respondent

CASE NO. T-0252:5

DECISION NO. 90-64

APPEARANCES

Representing the Raymond Teachers' Organization:

Greg Andruschkevich, UniServ Director

Representing the Raymond School Board:

Robert P. Leslie, Esq., Counsel

Also in attendance:

Pat Nardone Boucher, R.T.O.
Donna Woodward, R.T.O.
John S. Fulton, R.T.O.
Elizabeth Sargent, R.T.O.
Kathleen M. Hoelzel, Secretary School Board
Sandra Lee Ellis, Chairman School Board
James S. Carnrite, Superintendent
Timothy T. Louis, Vice Chm. School Board Member

BACKGROUND

The Raymond Teachers' Organization (RTO) filed an unfair labor practice charge against the Raymond School Board (Board) alleging a violation of RSA 273-A:5, I (a), (b), (e), (h) and (i) when it passed policy and implemented administrative rules that establish conditions of employment requiring employees represented by RTO to sign-in and sign-out when entering and exiting work sites, school buildings, and, at one work site, required the employees to obtain permission from the building administrator to leave the building during the on-site workday.

Hearing was held in the office of the PELRB on December 14, 1989 with all parties represented.

FINDINGS OF FACT

Joint exhibit #1 evidence that "all personnel" were required to sign in-out according to the policy adopted December 1, 1988 in the interest of safety and protection of all students and employees.

The only evidence produced at the hearing was that a proposal was made by RTO during negotiations in December of '88 to amend Article VIII, Section 2, by adding the following language, "the signing in and signing out, when entering or exiting the worksite will be at the discretion of the bargaining unit member."

The Board refused to negotiate the issue as 273-A:1, XI clearly states that "managerial policy within the exclusive prerogative of the public employer 'shall be construed to include but not limited to the functions, programs and methods....direction and number of its personnel, so as to continue public control of governmental functions.'"

A grievance was filed on February 6, 1989 alleging a violation of Art. VIII, Section 2 by the unilateral implementation of the administrative procedure requiring employees to sign-in and out. The arbitrator determined that the policy did not impact the terms and conditions of employment and found no breach of contract.

DECISION and ORDER

PELRB recessed to consider the evidence and testimony presented. Upon reconvening, Member Richard W. Roulx moved to dismiss the charge based on the evidence. Motion was seconded by Member Richard E. Molan, Esq., and unanimously approved.

Charge dismissed and case closed.


JACK BUCKLEY
Alternate Chairman

Signed this 30th day of July, 1990.
Oral decision rendered December 14, 1989.